

## **4.1 LAND USE AND RELATED PLANNING**

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This section addresses land use and related planning issues. In addition, the section contains a summary of the General Plan Consistency analysis prepared by David Evans and Associates, Inc. (2000), which is contained in Appendix E.

### **4.1.1 EXISTING SETTING**

#### **4.1.1.1 Regional Setting**

The Gregory Canyon Landfill property consists of 1,770 acres in the north central part of San Diego County, north of the community of Valley Center, east of Fallbrook and Interstate 15 (I-15) and west of the community of Pala and the Pala Indian Reservation. It lies approximately 25 miles east of the Pacific Ocean, about three miles east of I-15, and about five miles south of the northern County boundary. Land uses in this part of the County are primarily rural, including agriculture, large lot residential, scattered small communities, and occasional large-scale commercial/industrial uses (primarily mining).

Landmarks on the site or in the vicinity include Gregory Mountain at the immediate southeastern boundary of the property, and Rosemary's Mountain, located north and west of the northern panhandle. State Route 76 (SR 76), which parallels the San Luis Rey River, runs from east to west through the central portion of the site.

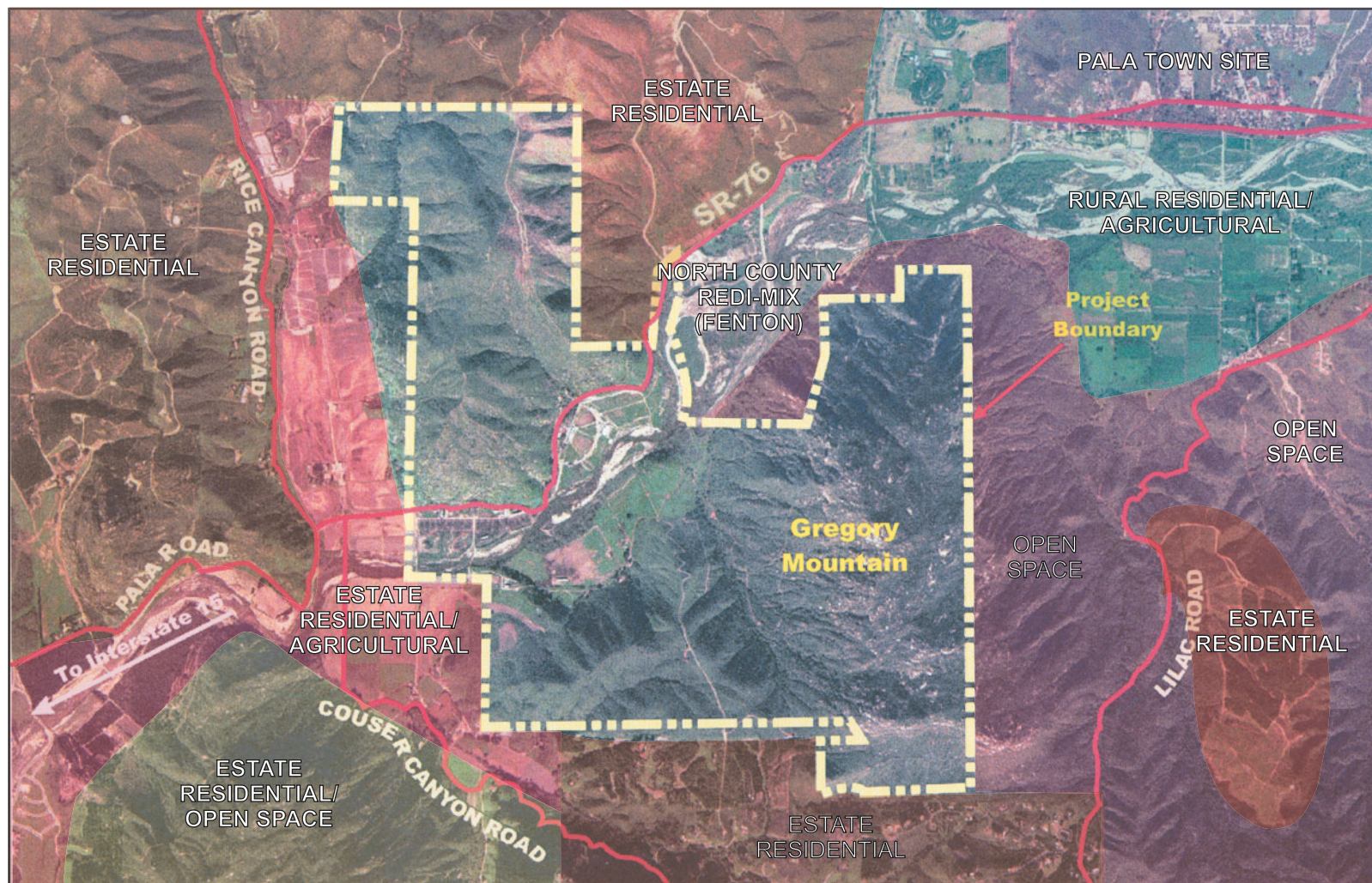
#### **4.1.1.2 Existing Land Uses**

##### On-Site Land Uses

Existing land uses on the site include open space, agricultural uses (dairy), residential development, a San Diego Gas & Electric (SDG&E) high voltage electrical transmission line on the east side of the site, and buried pipelines of the San Diego Aqueduct through the central portion of the site (Exhibit 4.1-1).

Approximately 75 percent of the project site consists of steeply sloping, rocky land which remains naturally vegetated and undeveloped. These steep, undeveloped areas are passive open space and wildlife habitat areas. Although parts of the property are posted with signs that forbid trespassing, on-site trails and dirt roads accessing the aqueduct and transmission line as well as trails used for previous studies of the site are currently being used for hiking and off-road biking. Gregory Canyon is vacant and features substantial scrub/chaparral associations with rocky outcrops. Stands of coast live oaks are clustered along the main drainage and its primary tributaries. For more information about wildlife and vegetation, see Section 4.9, Biological Resources.

As shown on Exhibit 4.1-1, the flatter area of the site both north and south of the San Luis Rey River is currently being used or has been used in the past for agriculture and residential development. Two dairies, Lucio and Verboom, have operated on land within the project site for a number of years. The Lucio Dairy, north of the San Luis Rey River and south of SR 76, closed in 1986. The dairy closed before Gregory Canyon, Ltd. obtained purchase options of the property. The Verboom Dairy, which is located south of SR 76 and west of the Lucio Dairy, currently operates on a temporary lease from the property owner.



Sources: Aerial Photobank, 1998; David Evans and Associates, Inc., 1999;  
PCR Services Corporation, 1999

Exhibit 4.1-1  
Existing Land Uses

The Verboom Dairy, which includes feedlots, pastures, farm outbuildings and orchards, is expected to close at the time of project construction. The purchase option agreement on the Verboom parcels indicates that the former owner may reside there for a period of up to one year after the final purchase payment.

Twenty-five residences associated with the two dairies exist on the site. Fourteen dwelling units exist on the vacated Lucio dairy property. The Verboom family and their employees occupy eleven residences on the Verboom dairy. All of these dwellings are leased from the property owner and would be vacated at the time of project initiation.

A pair of electrical transmission lines located within a 300-foot wide easement, crosses the site in a north-south direction along the eastern wall of Gregory Canyon. Thirteen acres of the site within the transmission corridor are owned by SDG&E (rather than in an easement). The 230- and 69-kilovolt (kV) transmission lines, owned and maintained by SDG&E, are part of the Escondido-Talega and Pala-Lilac electrical transmission network. SDG&E maintains access to the transmission lines along unimproved dirt roads within the corridor/easement.

Pipelines 1 and 2, which are located in a 150-foot-wide easement, cross the site in a north-south direction on the western side of Gregory Canyon. The two 48-inch steel and pre-cast concrete pipelines are buried approximately 15 feet below ground surface. The San Diego County Water Authority (SDCWA) holds the southerly portion of the easement, and the Metropolitan Water District holds the northerly portion. Each agency owns, operates, and maintains the pipelines in its portion of the easement. The easement runs in a southerly direction through the portion of the site that lies north of SR 76, across SR 76, under the fields and feedlots of the Verboom dairy, under the San Luis Rey River, and climbs the western slope of Gregory Canyon. The pipelines continue to the south offsite. The aqueduct is discussed in more detail in Section 4.15, Public Services and Utilities.

The San Diego County Water Authority (SDCWA) and Metropolitan Water District have plans for the future Pipeline No. 6 through the proposed project site. Pipeline No. 6 consists of 24 miles of a 9- to 10-foot diameter pipeline and 6.5 miles of a 9-foot diameter tunnel. The location of the Mount Olympus Tunnel portal site is planned to be in the small canyon north of and adjacent to SR 76 within the project site. The portal site will be the tunnel contractor's main base of operations for up to five years, and will remain as a permanent access point for operation and maintenance of the tunnel. (See Chapter 5.0, Cumulative Impacts, for a more detailed discussion of Pipeline No. 6.)

Gregory Mountain, which forms the eastern portion of the site, is considered to be a sacred site by the Pala Indian Tribe and others in the Native American community. Part of the mountain (the top and western slope) is located within the project site, while the remainder (eastern slope) is located on the Pala Indian Reservation, which is immediately east of the site. For more detailed information about the cultural and ethnographic background of the Tribe and the site, see Section 4.12, Ethnohistory and Native American Interests.

### Surrounding Land Uses

Land south of the project site generally consists of agricultural estate-density residential development, with avocado and citrus estates typically located on lots varying from two to eight acres. (Please see the subsection entitled Community Planning—Land Use Designations and Exhibit 4.1-2 for a discussion and graphic of the General Plan designations of the site and the surrounding area. Please see the subsection entitled Zoning and Exhibit 4.1-4 for a discussion

and graphic of the zoning of the site and the surrounding area.) The topography of this area is relatively steep, with winding narrow roads and driveways. Access to this area is available from Couser Canyon Road west of the project site and Lilac Road to the east. Approximately 20 residences in this community, (based on United States Geological Survey (USGS) and county maps, current aerial photographs, and field investigations) are located south and southeast of the project site boundary within one half mile of the proposed landfill footprint, with four structures within 500 feet of the project site boundary and stockpile/borrow areas.

To the west of the site lies a community of agricultural estate-density residential uses, with the two closest houses within 1,000 feet of the project site boundary. Couser Canyon Road and SR 76 provide access to this neighborhood. The topography of this area is relatively flat along the river, with steeper slopes as the distance from the river increases.

The Pala Indian Reservation is located immediately adjoining the project site to the east. The Pala Tribe has historically considered Gregory Mountain as a sacred area, including the top of the mountain and western slope (within the project site) and the eastern slope within the Reservation and adjacent to the project. The rock known as Medicine Rock, located outside the project site boundary but close to the proposed operation facilities area, also has a long history of sacred use by the Tribe. Plant resources at the base of Gregory Mountain, in particular the area between the north side of Gregory Mountain and the river, historically have been harvested by the Tribe for a variety of food, technical and medicinal purposes (Baksh, 1997).

The H. G. Fenton Materials, Inc. (formerly known as Fenton) sand and gravel mining operation is located south of SR 76 about 3,000 feet north of the proposed landfill footprint. There is an operations office south of the highway immediately west of the access road. Noise from the conveyors, processors and other heavy equipment can be heard on the project site, and heavy trucks carrying rock products frequently travel along SR 76 between the sand and gravel facility and I-15.

On the north side of SR 76 to the east and north of the site is the Pala Passive Solar Project, about 4,000 feet east of the project's proposed access road. Pala Del Norte provides private access to a few rural estate-density residences of Rancho Roma Del Rio northeast of the site. While several of these houses have views of the site to the south, they are located a mile or more from the area of proposed landfill operations.

The Pala Rey Youth Camp and Retreat is located south of the river and east of the H. G. Fenton Materials facility at the base of Gregory Mountain approximately one mile east of the project site. There are several rural residences in the area between the camp and the H. G. Fenton facility, within one mile of the project site boundary. These residences are located in the flat area adjacent to the river, and are generally associated with the agricultural uses in the vicinity. The Pala Reservation Acorn Park Campground is situated to the east about one mile from the site on the south side of SR 76.

Pala Townsite is about two miles east of the site at the intersection of Temecula Road (S 16) and SR 76. The townsite includes the historic Mission San Antonio de Pala, founded in 1816, and Mission School. The Pala Store and Post Office, Cupa Cultural Center, Boys and Girls Club, Pala Indian Reservation Tribal Hall and Offices, and Pala Fire Station are also located in the Pala Townsite. There are numerous residences located approximately three miles northeast of the project site in the Pala community. Additional residences and/or structures are also located within one-half to two miles directly north of the project site. Truck crops are grown on the valley floor south of SR 76 east of Gregory Mountain. Several residences are located throughout



this area. Calmat Conrock Division operates an aggregate mine north of SR 76 just east of Pala within the Pala Indian Reservation.

#### Planned Land Uses

Chapter 5.0, Cumulative Impacts, provides a list of planned land uses in the project vicinity. These include: Palomar Aggregate Rock Quarry (its status currently awaiting resolution in court), Fenton Pala Sand Mine, Metropolitan Water District/SDCWA Pipeline No. 6, I-15/SR 76 Master Specific Plan Area, Campus Park Specific Plan, Lake Rancho Viejo, Brook Hills, Sycamore Ranch, Dulin Ranch, future improvements to SR 76, and a gas station located west of I-15. Palomar Aggregate Rock Quarry was the subject of a court case *Riverwatch v. County of San Diego* (1999, 76 Cal.App.4th 1428). The court's decision was published December 23, 1999. The quarry project is now being reviewed, and information is being processed by the County.

The Tribe proposed a gaming facility approximately three miles east of the site. A Draft Environmental Assessment for a proposed 187,300-square foot facility located in the Pala community was circulated in April 2000. Construction of the facility is currently underway. For more information about the gaming facility as well as other planned land uses, please see Chapter 5.0, Cumulative Impacts.

#### **4.1.1.3 Applicable Plans, Policies and Ordinances**

##### Proposition C

In November 1994, the voters of San Diego County passed Proposition C, the Gregory Canyon Landfill and Recycling Collection Center Ordinance, which amended the County's General Plan and Zoning Ordinance to allow the construction and operation of a landfill on the subject site. The full text of Proposition C is included in Appendix B, with the regional location map and site plan attached. Proposition C contains project history as well as a number of findings documenting the need for a landfill in northern San Diego County and directing the county to amend other land use policies to be consistent with the initiative. Section 2 of Proposition C, Findings and Purpose, cites a County policy of subregional responsibility and states that San Diego County has unsuccessfully tried to site a new landfill facility in North County since the San Marcos Landfill was approved in 1977.<sup>1</sup> The petition cites the 1986 County Solid Waste Management Plan, which identified a critical need for an additional North County landfill to service North County residents. It also references the fact that the Gregory Canyon site was selected as one of three preferred landfill sites by the County, based on a 1987 siting study which evaluated more than 150 possible sites within 1,150 square miles of northern San Diego County.

Proposition C also provides development conditions for the ultimate development of the project site. Proposition C is part of the County General Plan and Zoning Ordinance and describes development regulations that must be followed if the site is developed with a landfill. For that

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<sup>1</sup> Section 2K of Proposition C states "The voters hereby reaffirm the policy of the County of San Diego that each sub-region of the County shall be responsible for providing sufficient solid waste facilities to handle the solid waste generated in each sub-region and solid waste shall not be shipped from one sub-region to any other sub-region except where an emergency exists." While this language states a reaffirmation of a County policy, no existing, written policy has been found.

reason, Proposition C and its development conditions are listed and described in the following paragraphs.

Section 3 of Proposition C provides a description of the project, which establishes land use parameters for the use of the property. Proposition C states that the project must incorporate a minimum of 1,313 acres of open space to be dedicated for long-term preservation of sensitive habitat and species. The proposition indicated that the recycling collection center and landfill would occupy approximately 270 acres, with approximately 150 of these acres used for the landfill footprint. Proposition C allows the applicant to "...adjust the size and location of solid waste operations and to alter the proposed facilities based on a detailed site plan to be submitted to the Integrated Waste Management Board for its review and approval as part of the Solid Waste Facilities Permit" (Section 3.A.)

Proposition C briefly describes the components of the project. Transportation improvements identified include the new access road and bridge from SR 76 to the landfill and the improvements on SR 76. The SR 76 improvements include the widening and realignment on either side of the new access road to provide adequate sight distance and acceleration/deceleration lanes. The project also includes the relocation of the SDG&E power lines and engineered protection for the existing San Diego Aqueduct.

Section 4 identifies the permits that must be obtained "To ensure that the Project is designed, constructed and operated in a safe and efficient manner..." (Recirculated Draft EIR Section 3.8, Permits). Proposition C specifies the permits to be obtained but cannot require more than is required by State and Federal law. This Draft EIR is intended to meet California Environmental Quality Act (CEQA) requirements for the Solid Waste Facilities Permit (SWFP), and identify and describe environmental impacts with respect to all elements of the project so that significance can be evaluated and mitigation can be developed as needed.

Section 5 of Proposition C identifies mitigation measures that address operational components of the project. The mitigation measures include days and hours of operation; various environmental control mechanisms, such as a liner and a leachate collection system, gas system, noise abatement plan, an odor and dust control plan; hazardous waste exclusion program; traffic impacts; earthquakes; biological impacts; visual impacts; cultural impacts; and the establishment of a Citizen Environmental Review Board.

Section 6 of Proposition C addresses tipping fee and financial guarantees. Section 7 addresses amendments to the County's plans and ordinances. This section specifies that the project shall be allowed "...without the need for any permits from the County of San Diego except the Water Course Alteration Permit, Bridge Permit, Grading Permit and Building Permit." A major use permit is not required for the proposed project.

Section 8 of Proposition C provides definitions used in the proposition. Section 9 addresses ownership and indicates that "The Gregory Canyon site shall remain private land until purchased by a public agency or Joint Powers Authority for its fair market value." Proposition C does not preclude the right of any agency to use eminent domain if appropriate. Section 10 indicates that amendment or repeal of Proposition C requires a majority of the voters. Sections 11 and 12 address "Interpretation and Severability" and "Consistency with Other Ballot Measures" respectively.

The validity of Proposition C was challenged by two landowners in the area near the Gregory Canyon property. Litigation was filed in the State Superior Court against the County of San Diego

and the applicant, Gregory Canyon, Ltd. (GCL). The May 1995 decision by Superior Court Judge Lisa Guy-Schall upholding the validity of the initiative was appealed. In 1997, the Court of Appeals unanimously upheld the validity of Proposition C, except Section 8A which defined Servcon-San Marcos, Inc. as the applicant. Section 8A was stricken by the Court, and the balance of the initiative was upheld in its entirety. The Supreme court of California refused to hear an appeal from the decision of the Court of Appeals.

#### Community Planning—Land Use Designations

The site lies primarily within the Pala/Pauma Subregional Plan area (Exhibit 4.1-2), while a small portion of the northwest corner of the site is within the Fallbrook Community Plan area. The Valley Center Community Plan area is located to the south. The site is designated [22] Public/Semi-Public Lands with a Solid Waste Facilities (SWF) designator. Although this designation generally represents lands owned by public agencies, it also can be used to identify privately owned land for appropriate uses. The SWF designator is intended to protect proposed and existing waste facility sites from encroachment by development of incompatible uses (Regional Land Use Element, page II-25).

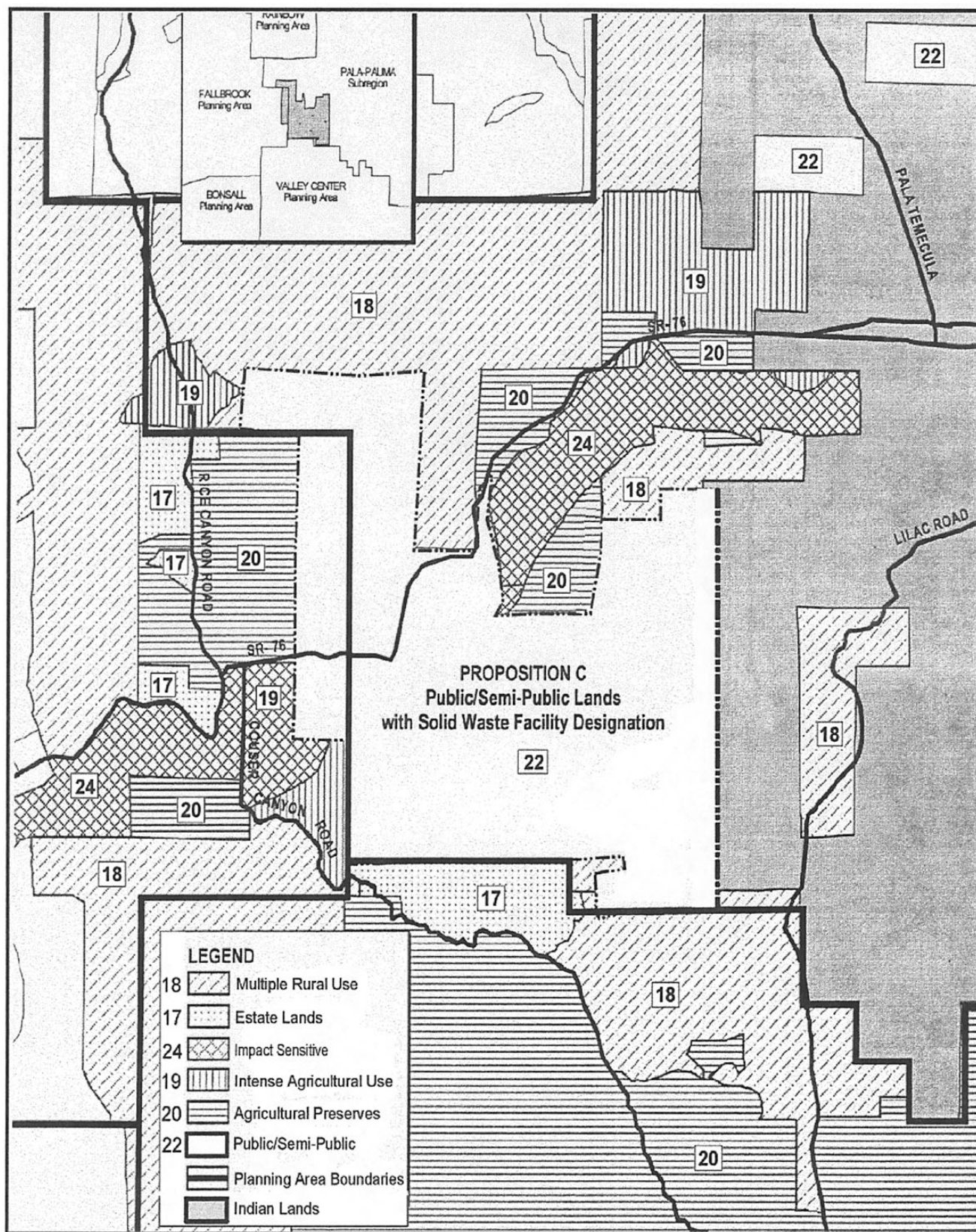
Adjacent community planning designations, shown on Exhibit 4.1-2, include [19] Intensive Agriculture and [20] Agricultural Preserves to the west (Fallbrook Community Plan) and [17] Estate and [18] Multiple Rural Use to the south (Valley Center Community Plan). To the east and north, land is designated [18] Multiple Rural Use and [20] Agricultural Preserves (Pala-Pauma Community Plan). The [19] Intensive Agriculture designation promotes a variety of agricultural uses as the principle and dominant use, and allows two, four and eight acre parcels under certain conditions regarding average slope, the presence of commercial crops, and the availability of irrigation water and publicly maintained roads. The [20] Agricultural Preserves designation is intended to support agricultural uses as the principal and dominant use. As a result of litigation brought by Save Our Forests and Ranchlands (SOFAR) against the County (1996) the [20] designation is currently being amended. Amendments addressing agricultural policies in the Regional Land Use, Conservation and Open Space Elements are also required to bring the General Plan into compliance with state law. The amendments are expected to be adopted in 2000.<sup>2</sup> As a result of the court decision, there is currently a moratorium on permit approval in [20] Agricultural Preserve land. (See Section 4.8, Agricultural Resources for a more detailed discussion of agricultural uses and resources on the project site and in the vicinity.)

The [17] Estate designation is intended to combine agricultural and low-density residential uses. Land designated for Estate development may be subdivided to allow one dwelling unit per two to 20 acres. Multiple Rural Use [18] is typically applied in remote areas with broad expanses of rural land with overall low population density and an absence of most public services. Multiple Rural Use land may include land with significant environmental constraints for development, such as land not suited for intensive agriculture, rugged terrain, watershed, desert lands, lands susceptible to fires and erosion, or land that relies on groundwater for water supply. Multiple Rural Use land may be subdivided into four-, eight-, or 20-acre lots depending on the slope.

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<sup>2</sup> The amendments, which were adopted in 2000, do not affect the proposed project or alter the analysis contained in this section.







### Pala-Pauma Subregional Plan

Goals, policies and objectives of the Pala-Pauma Plan (County of San Diego, 1986) are listed and described in the General Plan Consistency Analysis document, which is summarized in this section and contained in Appendix E. The primary goal of the Pala-Pauma Plan is to provide for orderly, planned growth as needs arise and to ensure that essential services such as water, sewer, fire protection, and schools are made available. The Plan lists policies to implement this goal. Those that apply to the project include:

- The provision of orderly, planned growth as needs arise and essential services are made available;
- The protection of biological resources through resource conservation area designation, low-density plan designations, and zoning; and
- The provision of public services and facilities in a planned and orderly fashion in five-year phases.

The Pala-Pauma Plan designates a Resource Conservation Area (RCA) on a portion of the project site, shown on Exhibit 4.1-3, known as Mount Gregory RCA. The RCA designator is an overlay, used to identify lands requiring “special attention in order to conserve resources in a manner best satisfying public and private objectives.” The Plan states that resources in this steep, rocky area include large old growth mixed chaparral, which serves as wildlife habitat, and oak woodlands in canyon bottoms and north facing slopes. As described and evaluated in Section 4.9, Biological Resources, field investigation identified other sensitive plants and animals within the on-site RCA, in addition to the chaparral and oak woodlands. The Plan does not prohibit development in RCAs, and states that “appropriate implementation actions in RCAs will vary depending upon the conservation objectives of each resource....” The Plan further recognizes that the RCA designation may include some areas that do not contain significant resources and therefore, action will be precisely delineated through a phased program, which includes environmental evaluation of the value of the resources.

### Fallbrook Community Plan

The general goal of the Fallbrook Community Plan is to perpetuate the existing rural charm and village atmosphere while accommodating growth in such a manner that it will complement the environment of the community. Other goals include:

- To establish an atmosphere for free enterprise, orderly growth of business and professional services;
- To limit future industrial development to areas already designated for industry and to keep the development of that land to industries which serve the community and are compatible with the community’s general goal of preserving rural charm and village atmosphere;
- To encourage the preservation of areas unsuitable for intense development as permanent open space;
- To encourage the continued upgrading of utilities and services to provide an optimum level of service;
- To support agriculture and agriculturally oriented services;
- To encourage the provision of a well-balanced system of recreational facilities; and
- To encourage sensitive design for all new development within Fallbrook, as well as to encourage the upgrading and beautification of existing development.

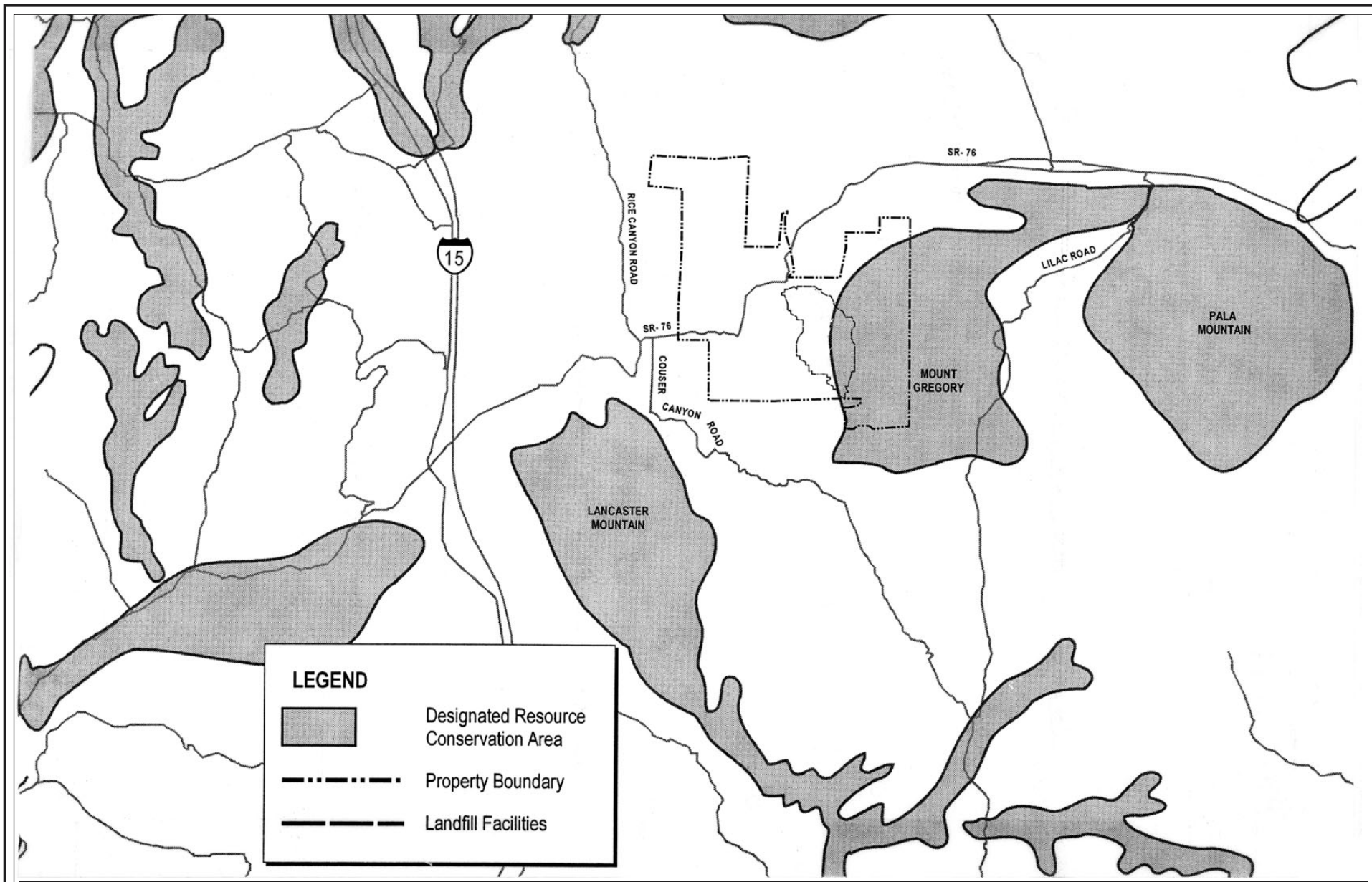


Exhibit 4.1-3  
Designated Resource  
Conservation Areas

Sources: County of San Diego, 1993; David Evans and Associates, Inc., 1999;

### Pala Indian Reservation

A land use plan exists for the Pala Reservation (McGarr, 1999), but to date has not been made available to the County for use in this EIR. The plan was requested on a number of occasions.<sup>3</sup> However, as mentioned above and discussed more thoroughly in Section 4-12, Ethnohistory and Native American Interests, the Tribe has historically used Gregory Mountain and Medicine Rock as sacred sites.

### Zoning

The project site is zoned Solid Waste Facility (SWF). This designation was created by Proposition C and permits a landfill and recycling center at the site. Zoning designations for properties adjacent to the project site are shown on Exhibit 4.1-4 and include Limited Agricultural Use (A-70), General Agricultural Use (A-72), and Extractive Uses (S-82). Lands immediately to the east of the project site and small parcels to the north are Pala Indian Reservation lands. While the Tribe does have a land use plan that may include specific zoning regulations for the Reservation lands (McGarr, 1999), it was not made available to the County for inclusion in this EIR.

The A-70 classification is intended to create and preserve areas primarily for agricultural crop production. These regulations are generally applied to areas throughout the County to protect moderate to high quality agricultural land. The A-72 classification is intended to create and preserve areas for raising crops and animals. The S-82 zoning is intended to identify and create areas where mining, quarrying, or oil extractive uses are permitted. The S-82 zoning is applied to the adjacent H. G. Fenton Materials sand and gravel mining operation.

Section 1110 of the County Zoning Ordinance provides definitions. The definition of “borrow pit” is as follows: “Premises from which soil, sand, gravel, decomposed granite or rock are removed for any purpose except:...” followed by nine exceptions, some of which include site preparation if it is within a one-year timeframe.<sup>4</sup> A Major Use Permit (MUP) is required to operate a borrow pit. Therefore, a MUP would be required for the exportation or sale of aggregate material from the project site. If the exportation or sale of aggregate were to occur, the applicant would obtain the MUP, if necessary, prior to the exportation or sale of material. The project has been designed to accommodate the storage of all excavated material on-site. However, the analyses contained in this EIR consider the worst case scenario. For example, the worst case scenario with regard to traffic (Section 4.5) would be the exportation of material since this would increase the truck trips whereas for aesthetics (Section 4.13), the storage of material on-site would represent the worst case scenario.

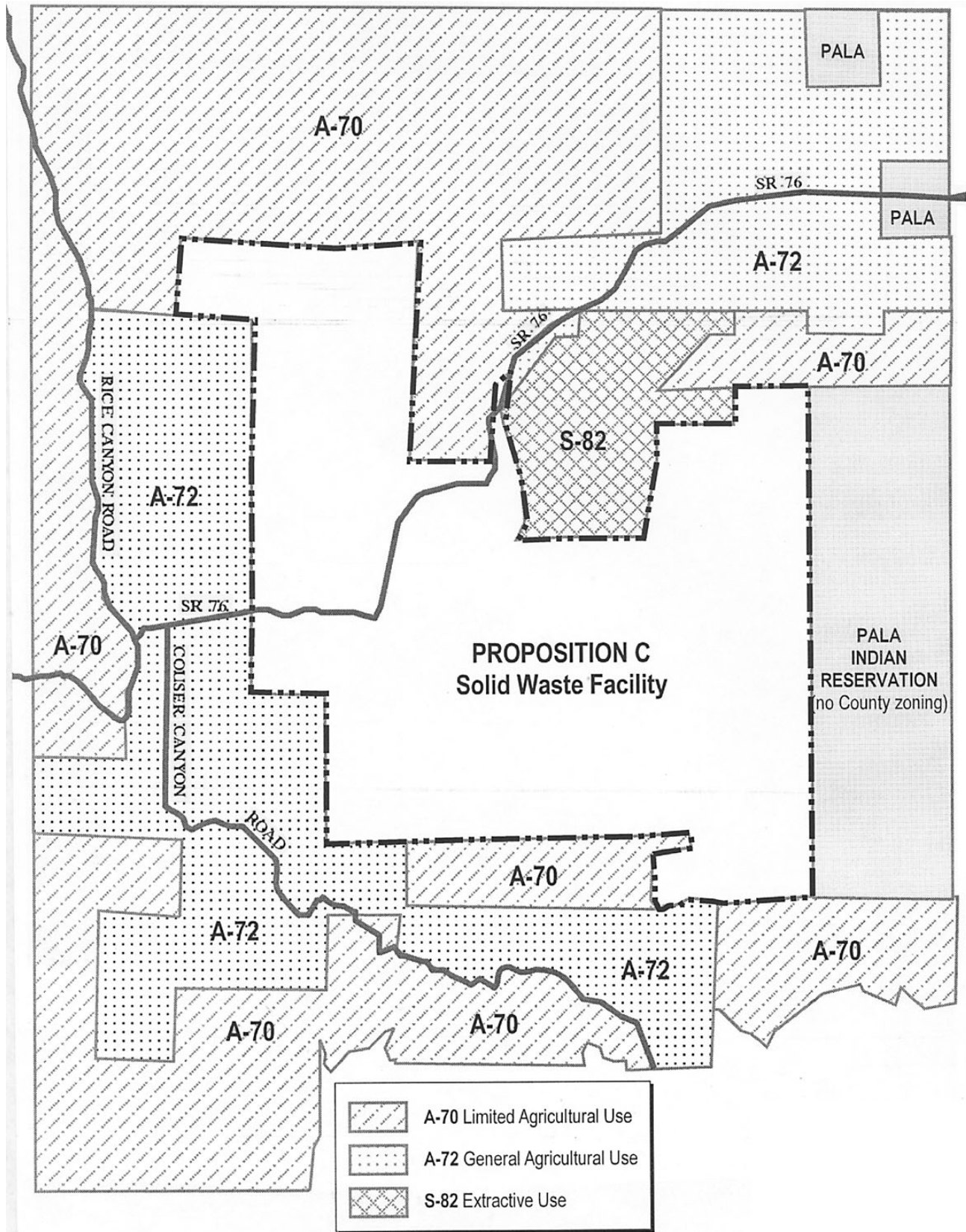
Sections 5200 through 5299 of the County Zoning Ordinance are known as the Scenic Area Regulations. The purpose of these provisions is to regulate development in areas of high scenic value both to assure exclusion of incompatible uses and structures and to preserve and enhance the scenic resources present in adjacent areas. The project site is not designated as a scenic

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<sup>3</sup> The Draft Environmental Assessment (April 2000) for the casino on the Pala Reservation states that “The Tribe has not adopted a land use plan or zoning ordinance, but rather, relies upon the Tribal Council, the governing body of the Tribe, to guide and regulate land use.”

<sup>4</sup> The initial construction of the project may be exempt from the requirement to obtain a MUP.





NOT TO SCALE

Exhibit 4.1-4  
Zoning Map

Sources: County of San Diego, 1997; David Evans and Associates, Inc., 1999



resource and there are no scenic overlays that would affect the property. The Scenic Area Regulations would therefore not apply to the project.

### San Diego County General Plan

A complete analysis of the goals, objectives and policies in the San Diego County General Plan is contained in the General Plan Consistency Analysis (Appendix E). Those goals or policies that are particularly applicable to the project are listed below.

#### Regional Land Use Element

The Regional Land Use Element sets forth goals and policies that apply Countywide and give general guidelines for land use development. Community plans then use these more general goals to direct land use policy within the smaller planning area boundaries. Regional land use goals that apply to the project include:

- Urban growth should be directed to areas within or adjacent to existing urban areas, and the rural setting and lifestyle of the remaining areas of the County should be retained (Goal 1.1).
- Retain the rural character of non-urban lands (Goal 2.3).
- Promote the conservation of water and energy resources (Goal 3.2).
- Achieve and maintain mandated air and water quality standards (Goal 3.3).

#### Open Space Element

The Open Space Element defines open space according to state regulations to include lands for the preservation of natural resources, the managed production of resources, outdoor recreation, and public health and safety (lands with hazardous conditions). General policies for future open space include: encourage all public agencies to consolidate their ownership into manageable units by trading lands with private owners; encourage open space by assuring equitable taxes; and recognize that minor open space areas in the County combine to collectively provide significant open space. The Open Space Element encourages the conservation of resources through the use of open space easements to conserve habitats of rare or unique plants and wildlife, and to preserve significant natural features. In addition, the Open Space Element recognizes that open space contained in public utility lands can provide agricultural, recreational and public safety benefits.

The Open Space Element includes floodplains, floodplain fringe and floodway. The project site contains land identified as floodplain and floodway. Floodplains are evaluated in Section 4.4, Surface Hydrology. The Element's primary goals regarding floodplains/floodways are to: protect life and property; reduce the need for major flood control improvements; control development to assure a minimal adverse polluting effect on reservoirs, lakes, streams, rivers and groundwater supplies; conserve natural resources; encourage the use of streams as open spaces; and encourage the use of open space to separate conflicting land uses whenever possible.

Finally, the Open Space Element addresses the use of agricultural preserves and open space easements as a means to preserve land for agriculture, open space or recreational uses. Open Space Easements preserve open space by relinquishing the owner's right to construct improvements on the land. Open space easements do not allow the public the right to use the land without the owner's consent. Procedures for acquiring open space easements are defined in the County Board of Supervisors' Policy I-37.

### Seismic Safety Element

The basic goals of the County of San Diego in adopting the Safety Element of the General Plan are to: minimize injury and loss of life; minimize damage to public and private property; and to minimize social and economic dislocations resulting from injuries, loss of life and property damage.

### Noise Element

The objectives of the Noise Element are to establish a coordinated set of policies and noise standards for the reduction of irritating and harmful effects of noise to people within the County of San Diego through effective planning and regulation, and to protect and enhance the County's acoustical environment by simultaneously controlling noise at its source, along its transmission paths, and at the site of the ultimate receiver. First priority shall be given to residential areas to assure an environment free from excessive or damaging noise. Control of noise at its source shall be given priority over changes to residential structures or neighborhoods where practical.

Policies address governmental programs, noise source control (aircraft and motor vehicles), transmission path control and receiver site standards and controls. Policy 4b of the Noise Element sets standards for noise levels in "noise sensitive areas" (that is, any residence, hospital, school, library, or similar facility where quiet is an important attribute of the environment). This is discussed in greater detail in Section 4.6, Noise and Vibration.

### Conservation Element

The purpose of the Conservation Element is to identify and describe the natural resources of San Diego County and prepare policies and action programs to conserve these resources. The Element includes a map showing the location of major deposits of aggregate and a map of RCAs for the county. As discussed above, the site includes a portion of the Mount Gregory RCA. Policies are given for general conservation and RCAs, groundwater, stormwater, vegetation and wildlife, minerals, astronomical dark sky, and cultural sites.

### Public Facilities Element

The Public Facilities Element addresses a wide range of public services and utilities across the County. The Solid Waste Section states as its objectives: reduce the volume of waste to be landfilled by 50 percent by 2000; plan for a sufficient number of solid waste disposal sites to accommodate existing and future need; and minimize or mitigate the environmental impacts of solid waste disposal sites.

### Scenic Highway Element

The Scenic Highway Element is intended to enhance scenic, historic and recreational resources within both rural and urban scenic highway corridors.

Two separate segments of SR 76 are among the First Priority Scenic Routes in the Scenic Highway System Priority List: between El Camino Real and I-15, excluding the portion within the City of Oceanside, and from East Grade Road, east of Pauma Valley and Rincon, to SR 79 at Morettis. SR 76 in the vicinity of the project site is not designated a scenic highway and is not included in the list of priority scenic routes (telephone conversation with Bob Forsythe, County of San Diego Department of Planning and Land Use, July 1998 and June 2000).

### Resource Protection Ordinance

The County's Resource Protection Ordinance (RPO) is intended to protect sensitive lands and prevent their degradation and loss. Sensitive lands include wetlands, floodplains, steep slopes, sensitive biological habitats and prehistoric and historic sites. Article III of the Ordinance indicates that the Ordinance applies to "...any applications filed on or after August 10, 1988 for Tentative Map, Tentative Parcel Map, Revised Tentative Map and Revised Tentative Parcel Map, Rezone, major Use Permit, Major Use Permit Modification, and Site Plan. In addition, this Ordinance shall apply to any application for Vacation of Open Space Easement filed on or after March 24, 1989; and to any application for an Expired Map, Certificate of Compliance, or Administrative Permit filed on or after June 30, 1989." The proposed project does not require any of these approvals and therefore, the RPO does not apply.

### San Diego County Light Pollution Ordinance

San Diego County has a "dark skies" policy that restricts outdoor light fixtures that may have a detrimental effect on astronomical research. The County's ordinance restricts outdoor lighting to low pressure sodium lamps, specifies shielding and focusing to minimize spill light into the night sky or adjacent properties, and limits hours of operation to limit interference with the observatory at Mount Palomar.

### San Diego County Noise Ordinance

Fixed and operational noise is governed by Section 36.404 of the San Diego County Code, the Noise Ordinance. The Noise Ordinance establishes noise levels at the property line by land use zones and time of day. For residential zones, noise during the daytime is acceptable up to 50 dBA Leq; for industrial zones, the daytime standard is 75 dBA Leq. When different zones are adjacent to each other, the County uses an arithmetic mean between levels; for the project, the arithmetic mean is 62.5 dBA Leq (Segal, 1998). This is based on the noise allowed in Manufacturing/Industrial zones (the Solid Waste Facility zone on the project site) averaged with the adjacent residential zones. For a more detailed discussion of this issues, please refer to Section 4.6, Noise and Vibration.

### Regional Plans

This section addresses applicable regional plans and policies, including the Regional Growth Management Strategies Plan, the County of San Diego Integrated Waste Management Plan, the Regional Air Quality Plan, the Regional Water Quality Plan, and the Regional Transportation Plan.

#### Regional Growth Management Strategies

The Regional Growth Management Strategies Plan, adopted in January, 1993, was prepared by the San Diego Association of Governments (SANDAG) staff and the Regional Growth Management Technical Committee. The Strategy takes a quality of life approach to growth management, and contains standards, objectives, and recommended actions for nine quality of life factors:

- Air quality
- Transportation/congestion management
- Water
- Sewage disposal
- Sensitive lands preservation and protection
- Open space preservation and protection

- Solid waste management
- Hazardous waste management
- Housing and economic prosperity

Recommendations regarding public facilities financing and location, and growth rate, phasing and land use distribution are also included. The Strategy contains a self certification process for determining local and regional agency consistency.

The primary Solid Waste Management policy is to recycle and reduce sources of solid waste and provide adequate disposal facilities by reducing waste generation in the region by 50 percent from the base year of 1988 to the year 2000, and by identifying regional locations for landfills, transfer stations, recycling and composting facilities to provide capacity and service until approximately the year 2010. The Plan also indicates that two new landfills will have to be built in the County by 2003, although no specific sites are discussed. The County Integrated Waste Management Plan (CIWMP), described below, addresses these issues, and was prepared in part to meet the recommendations of the Regional Growth Management Plan.

#### County of San Diego Integrated Waste Management Plan

The management of non-hazardous solid waste in San Diego County is mandated by state law and guided by policies at the state and local levels. In 1989, the State of California enacted Assembly Bill (AB) 939, the California Integrated Waste Management Act. The purpose of AB 939 is to:

- Reduce, recycle, and reuse solid waste generated in the state to the maximum extent feasible;
- Improve regulation of existing solid waste landfills;
- Ensure that new solid waste landfills are environmentally sound; and
- Specify the responsibilities of local governments to develop and implement integrated waste management programs.

AB 939 and subsequent amendments required that all local jurisdictions, cities, and counties divert 25 percent of the total waste stream from landfill disposal by the year 1995 and 50 percent by the year 2000. Each local jurisdiction must demonstrate compliance by instituting source reduction programs. The disposal capacity component of AB 939 requires jurisdictions to conduct a solid waste disposal needs assessment that estimates the disposal capacity needed to accommodate projected solid waste generated within the jurisdiction and to identify a minimum of 15 years of permitted disposal capacity.

The CIWMP (approved and adopted September 16, 1996 by the County Board of Supervisors and a majority of the cities), which was prepared in response to AB 939, is intended to coordinate waste reduction and disposal efforts among all jurisdictions in the County. The CIWMP places highest priority on the prevention of waste, and secondary priority on the recycling and composting of waste materials. Waste materials that cannot be feasibly or economically recycled or composted shall be disposed of in an environmentally safe disposal facility. Most goals and policies of the plan focus on the waste reduction and recycling issues.

The California Code of Regulations Title 14, Section 18755 states that “The Siting Element shall demonstrate that there is a countywide or region wide minimum of 15 years of combined permitted disposal capacity through existing or planned solid waste disposal and transformation facilities or through additional strategies.” The County Siting Element, which is part of the CIWMP, states as its primary goal the provision of adequate future disposal capacity for wastes which need to be landfilled, to reduce the amount of waste disposed of in landfills, to identify disposal facilities or strategies, and to minimize the potential impacts of solid waste disposal



facilities upon adjoining land uses. The Countywide Siting Element demonstrates the required minimum of 15 years of permitted disposal capacity to serve the County. The approved CIWMP identifies Gregory Canyon as a tentatively reserved disposal site. The County of San Diego Department of Environmental Health (DEH) is responsible for the preparation and administration of the CIWMP and advises the County Board of Supervisors on waste management issues.

#### Regional Air Quality Plan

The San Diego Air Pollution Control District (APCD) is responsible for protecting the public health and welfare through the administration of federal and state air quality laws and policies, and enforcing local Air Rules. APCD's tasks include monitoring air pollution, preparing the County's portion of the State Implementation Plan (SIP), and promulgating Rules and Regulations. The SIP contains tactics to be used to attain the federal air quality standards in the County. The Regional Air Quality Strategies (RAQS) include every feasible control measure to provide expeditious progress toward attaining the more stringent state air quality standards by the earliest practicable date.

The California Clean Air Act of 1988 and the Federal Clean Air Act Amendments of 1990 are the principal legislative influences for the RAQS and SIP, respectively. The San Diego Air Basin is designated as a "serious" ozone non-attainment area under both laws. The Basin's portion of the SIP demonstrates that the federal one-hour ozone standard is expected to be achieved by 1999, with contingency measures that could be implemented in 2000 if the standard has not been attained. The California laws mandate reductions in hydrocarbon and oxides of nitrogen emissions of five percent per year. In order to reach, or even approach, the required reductions, the San Diego APCD area is required to substantially reduce the rate of increase in passenger vehicle trips and miles traveled. Stricter controls on stationary sources will also be required (Section 4.7, Air Quality and Health Risk).

#### Regional Water Quality Plan

The Porter-Cologne Water Quality Control Act of 1969 established a comprehensive program for both regulating water quality and controlling sources of pollution. The organizations responsible for implementation of the state program include the State Water Resources Control Board and regional water quality control boards. The San Diego Regional Water Quality Control Board (RWQCB) is responsible for developing a Water Quality Plan or Basin Plan for the region to meet statutory and state board requirements. The Basin Plans are developed to protect "beneficial uses" of water. Beneficial uses include domestic, municipal, agricultural, industrial, power generation, recreation, navigation, aesthetic enjoyment, fish habitat, wildlife preservation and other aquatic resources or preserves.

Stormwater runoff from the project must be assessed against the Basin Plan (Section 4.4, Surface Hydrology). Stormwater runoff and its potential effects on water quality is regulated by the National Pollution Discharge Elimination System (NPDES), a national program for administering permits for all discharges to receiving waters. The NPDES program was established under the Federal Clean Water Act, Section 401 and 402 (amended 1987). The US Environmental Protection Agency (EPA) is the agency ultimately charged with regulating discharges to surface waters. The EPA has delegated permitting authority in California to the State and Regional Water Quality Control Boards.

### Regional Transportation Plan

Regional transportation issues and planning are accomplished by SANDAG in their Regional Transportation Plan (RTP) and the Regional Transportation Improvement Program (RTIP). SR 76 is included in the RTP, and is shown on the San Diego County Circulation Element as an arterial road. Because of its local importance, buildout classification for SR 76 is found in the Circulation Element rather than the RTP. This issue is evaluated in Section 4.5, Traffic and Circulation.

### San Luis Rey River-American Heritage Rivers Initiative

In 1997, the American Heritage Rivers Initiative was announced to “offer special recognition to outstanding stretches of America’s rivers.... Designated rivers will receive federal assistance in the form of focused programs, grants and technical assistance from existing federal resources” (EPA, 1999). This is a community-based program to help communities restore and protect the environmental, economic, cultural and historic values of rivers. In reviewing the nominations, the Advisory Committee sought rivers that demonstrated broad community support, notable resource qualities, and local and regional partnership agreements for innovative restoration programs. The San Luis Rey River was nominated for consideration under this program, along with 125 other river candidates, and was identified as one of twenty finalist rivers by the American Heritage River Advisory Committee, in 1998. President Clinton selected 14 American Heritage Rivers that exemplify America’s river heritage and reflect a variety of stream sizes and surrounding environments. The San Luis Rey River was not selected. Nevertheless, the fact that San Luis Rey was selected as a finalist indicates that it was a strong candidate and offers many of the criteria that the Advisory Committee and the President were evaluating.

If San Luis Rey had been selected, the river community would have received assistance under existing federal programs to support economic revitalization, protect natural resources and the environment, and preserve historic and cultural resources. There are no specific land use programs or land use requirements that are associated with the American Heritage River designation. The program is intended to be non-regulatory and locally driven, and to result in better access to existing federal programs that affect rivers rather than create additional regulations (EPA, 1999).

### **4.1.2 IMPACT SIGNIFICANCE CRITERIA**

According to Appendix G of the CEQA Guidelines, the project would have a significant impact to land use if the project would:

- Physically divide an established community
- Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for purpose of avoiding or mitigating an environmental effect
- Conflict with any applicable habitat conservation plan or natural community conservation plan

### **4.1.3 POTENTIAL IMPACTS**

#### **4.1.3.1 Physical Division of Established Community**

The project site is not located within a developed area of the community. The Pala Townsite is located several miles east of the site, and residential and agricultural development is present within one mile of the property in all directions. No physical division or barriers to community access would result from the project.

#### **4.1.3.2 General Plan Designations and Zoning**

The project is in conformance with the land use designation of [22] Public/Semi-Public with a SWF designator, and with the existing zoning of SWF on the property. With regard to compliance with the Zoning Ordinance, as discussed above the County requires a MUP for the operation of a “borrow pit”, which includes the exportation or sale of aggregate material. The project includes the excavation of rock which would be processed on site. If the exportation or sale of the aggregate material were to occur, the applicant would obtain the MUP, if necessary, prior to the exportation or sale of material.<sup>5</sup>

#### **4.1.3.3 Consistency with Applicable Plans and Policies**

##### Proposition C

The proposed project complies with the design parameters and mitigation measures in Proposition C. Exhibit 3-9 indicates the 1,313 acres of land that would be set aside for the long-term preservation of sensitive habitat and species. The applicant has not indicated the agency to which the land would be dedicated; however, a mitigation measure has been included to ensure that the agency will be identified in compliance with Section 3B of Proposition C.

##### Pala Pauma Community Plan

The eastern part of the project site includes approximately 25 percent of the Mount Gregory RCA, which extends off-site further to the east (Exhibit 4.1-3). As defined by the Pala Pauma Community Plan, resources in this steep, rocky area include large old growth mixed chaparral, which serves as wildlife habitat, and oak woodlands in canyon bottoms and north facing slopes.

The Pala-Pauma Plan does not prohibit development in RCAs, because it recognizes that the RCA designation may include some areas that do not contain significant resources. However, as described in Section 4.9, Biological Resources, a portion of the RCA on the project site does contain significant biological resources. Mount Gregory RCA contains sensitive flora and fauna species, including the orange throated whiptail, western whiptail, western screech owl, great horned owl, Southern California rufous crowned sparrow, northern red-diamond rattlesnake, Harbison’s dunskipper habitat, golden eagle habitat, and bat roosts. The RCA also includes coast live oak woodlands, chaparral, coastal sage scrub, and mule fat scrub vegetative communities.

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<sup>5</sup> The analyses contained in this document represent the worst case scenario. For example, while the stockpile areas have been sized to accommodate all necessary excavation on-site, in the case of traffic, the exportation of material would represent a worst case scenario as this would result in an increase in trips. However, in the case of aesthetics, the storage of the material on site would represent a worst case scenario as this would use the borrow/stockpile areas to the full extent as described in Chapter 3, Project Description.

Englemann oaks are located on the western edge of the RCA, and may be included within the RCA boundary.

The biological report determined that a strip of land on the western side of the RCA (approximately 20 percent of the on-site RCA) would be used for landfilling and support facilities, resulting in the loss of the Englemann oaks, coast live oak woodlands, chaparral, and coastal sage scrub, providing habitat to the orange throated whiptail, western whiptail and northern red diamond rattlesnake, and for the southern California rufous crowned sparrow, western screech owl, great horned owl and Harbison's dunskipper. The loss of these biological resources is a significant impact that is fully mitigated, as provided in Section 4.9. Approximately 80 percent of the on-site portion of the RCA would be preserved as open space, containing the golden eagle habitat areas and bat roosts.

The issue of the project's consistency with the Mount Gregory RCA was addressed in the court case, *Pala Band of Mission Indians v. County of San Diego* (1997). The court found that a landfill on the Gregory Canyon site was not inconsistent with the RCA designation.

The San Diego County Conservation Element does not prohibit development within resource conservation areas. Instead, the County Conservation Element recognizes that resources identified in Resource Protection Areas that may be affected by a particular project can be mitigated through measures adopted as part of an EIR. The Conservation Element states: "The County will use the EIR process to identify, conserve and enhance unique vegetation and wildlife resources" (Conservation Element, p. X-6). The County Conservation Element provides: "Analyze specific projects using procedures required by CEQA." Minimize requirements for EIRs outside RCAs for which RCAs have been adopted. Mitigation measures should be based on actual on-site review of resource significance. Mitigation should include only the significant resources and a buffer appropriate to the resource and project under consideration" (Conservation Element, P. X-15). The Conservation Element declares: "If a project is determined to have significant adverse impacts on plants or wildlife, an acceptable mitigation measure may be voluntary donation of land or money for acquisition of land of comparable value to wildlife" (Conservation Element, p. X-7). Since the project has mitigated for the sensitive and protected resources within the Mount Gregory RCA, it is consistent with the County Conservation Element governing RCAs.

#### Fallbrook Community Plan

The Fallbrook community is located about five miles west and north of the project site. Vehicles related to the project would not travel through the Fallbrook community, since 95 percent of the project traffic would travel on SR 76 from I-15, and 5 percent would travel from the east. Development of the site with a landfill would not affect the community of Fallbrook.

The northwestern corner of the site, which would be dedicated as part of the 1,313 acres of permanent open space, is contained within the Fallbrook Community Plan. Although the site is designated and zoned for Solid Waste Facility, no development would occur in the northeastern portion of the site. For this reason, the project would comply with the goal of preserving land as open space, would not affect any agricultural land, recreational facilities or new or existing development within the Fallbrook Community Plan area. For these reasons, the project would be consistent with the goals and policies of the Fallbrook Community Plan.



### San Diego County General Plan

A detailed analysis of the project's consistency with the goals and policies of the San Diego County General Plan is provided in Appendix E. This analysis is summarized in the following discussion, which lists the applicable goals and discusses the project's consistency.

The project's consistency with certain parts of the General Plan was evaluated by the court as part of the court case filed by the Pala Band of the Mission Indians. Among other things, Pala argued that Proposition C was inconsistent with several elements of the County General Plan. The Court of Appeal reviewed the record and portions of the County General Plan and found that the proposed Gregory Canyon Landfill is not inconsistent with the Mount Gregory Resource Conservation Area designation, the Seismic Safety Element, and the Public Facilities Element. These elements and designations are discussed below. (A copy of the court's decision is included in the General Plan Consistency Analysis, Appendix E.)

#### **Regional Land Use Goal 1.1: Urban growth should be directed to areas within or adjacent to existing urban areas, and that the rural setting and lifestyle of the remaining areas of the County be retained.**

Goal 1.1 of the County's Land Use Element of the General Plan is part of a larger, overall County goal to "Accommodate population growth and influence its distribution in order to protect and use scarce resources wisely; preserve the natural environment; provide adequate public facilities and services efficiently and equitable [sic]; assist the private sector in the provision of adequate, affordable housing; and promote the economic and social welfare of the region." Regional Land Use Goal 1.1 promotes the separation of urban and rural uses to maintain a rural setting and lifestyle in certain portions of the County. A landfill is neither an urban nor rural use, but rather an infrastructure element similar to roads or utilities, such as water and sewer. Landfills are necessary as final disposal sites for waste generated in developed or developing urban, suburban and rural areas. The siting of a landfill does not attract development of either urban or rural character within close proximity to the landfill. Rather, the proposed project would provide a public facility that would be used by urban and rural development alike.

The site is designated in the County's General Plan as Public/Semi-Public Lands with a Solid Waste Facility designator and zoned SWF. As indicated in the General Plan, this General Plan designation is intended to protect proposed waste facility sites from encroachment by development of incompatible uses. The project conforms to this General Plan designation and zoning. The County General Plan designations are classified as urban residential, commercial, industrial, non-urban residential, agricultural, or special purpose. The Public/Semi-Public Uses fall under the special purpose designations. As such, the uses occupying sites designated as Public/Semi-Public Uses are not considered urban or rural.

However, to address the land use compatibility issues raised by this goal, the existing and planned land uses must be considered relative to the elements of community character and lifestyle. Existing and planned land uses within an approximately three-mile radius of the project site were examined to evaluate land use patterns in the area. Existing land uses in the area include a mixture of agricultural, residential, extractive, commercial, industrial, and infrastructure uses. The area is generally rural in character with pockets of intensive extractive, commercial, and infrastructure uses. As described in Section 4.1.1.2, the area west and south of the site consists of agricultural estate-density residential development, with single-family residences on parcels ranging from four to twenty acres. Many of the parcels contain active agricultural orchards, consisting primarily of avocado and citrus trees. Historically, the site itself

contained two dairy farms. The steep undeveloped slopes of Gregory Mountain abut the site to the east. Visually prominent rock outcrops exist on the higher slopes of Gregory Mountain and throughout the area. The residential community of Pala is located about 2.5 miles northeast of the project site.

Interspersed with the rural agriculture and residential uses are areas of intense extractive, commercial and infrastructure development. Directly north of the project site, the area is zoned S-82 for extractive uses. The area is occupied by the H. G. Fenton Materials, Inc. sand and gravel mining operation, which has been operational at that location for over 20 years. In addition, the Calmat Conrock Division, which operates an aggregate mine within the Pala Indian Reservation, is located east of the project site. Noise from the conveyors, processors, and other heavy equipment associated with the H. G. Fenton Materials, Inc. sand and gravel mining operation can be heard on the project site and heavy trucks carrying rock products from both facilities frequently travel along SR 76 between the sand and gravel facility and I-15.

High intensity infrastructure uses in the area include the SDG&E 230 kilovolt and 69 kilovolt transmission lines which transect the project site and neighboring properties in a north-south direction along the eastern wall of Gregory Canyon. These high voltage transmission lines are part of the Escondido-Talega and Pala-Lilac electric transmission network. In addition, the SDCWA and the MWD presently operate two 48-inch steel and pre-cast concrete pipelines known as Pipelines 1 and 2, which cross the site and neighboring properties in a north-south direction providing water to San Diego County. The SDCWA and MWD have plans to construct a third large-diameter pipeline, known as Pipeline No. 6, through the project site and surrounding properties. Pipeline No. 6 consists of 24 miles of a 9 to 10 foot diameter pipeline and 6.5 miles of a 9-foot diameter tunnel.

In addition to existing uses there are a number of commercial, industrial, residential and extractive uses that are planned in the project area. Commercial uses under construction in the area include the 187,000-square foot gaming and entertainment facility on the Pala Reservation located immediately east of the project site. This commercial project includes 1,500 slot machines, 60 table games, 6 poker tables, a 25-seat off-track betting area, 4 restaurants, a coffee and ice cream bar, and a 20,800-square foot multi-purpose room used for bingo, concerts, and boxing events. The Pala project also includes a 350-seat entertainment bar and lounge. The Pala entertainment facility is expected to attract about 5,000 patrons per day.<sup>6</sup> Planned extractive uses in the area include the Palomar Aggregates Mining Operation located west of the project site and approximately 1.25 miles east of I-15. The Palomar project includes a rock quarry and processing plant for concrete and asphalt on 36 acres of the site. This project will mine approximately 22 million tons of rock over a 20-year period and will process 4,522 tons per day of concrete, asphalt and rock. Planned commercial and industrial uses in the project area include the Campus Park Specific Plan, which includes a 422-acre mixed-use development containing 32 acres of industrial uses, 17 acres of commercial uses, and suburban density residential uses with a golf course and open space located east of I-15 and north of SR 76. The Lake Rancho Viejo Specific Plan located east of I-15 and south of SR 76 permits the development of approximately 816 dwelling units on a 436-acre site.

In addition, SR 76 is a two-lane transportation corridor that runs through the area. SR 76, which is classified as a highway, is designated in the County Circulation Element as a four-lane

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<sup>6</sup> Draft Environmental Assessment for the Pala Gaming Facility, April 2000.

roadway. Although not yet funded, the planned widening of SR 76 to four lanes recognizes the County's intent to accommodate the growth in traffic demand expected in this area.

The project has also been analyzed for consistency with the goals and policies of the adopted County General Plan since the adopted General Plan dictates future development in the area and therefore its intended community character and the lifestyle for its inhabitants. As indicated previously, the project would conform with the land use designation of Public/Semi-Public with a SWF designator and with the existing zoning of SWF on the property. The project is consistent with all adopted plans and policies of the County General Plan.

The project with the project design features and the mitigation measures would not adversely impact the character or rural lifestyle that exists in the project area. As noted in Section 4.8 of this EIR, the project does not create any impacts to agricultural resources in the area.

With the mitigation measures proposed, project operational noise would meet County noise standards at the property line and the project would not result in any significant noise impacts to residential or agricultural uses surrounding the project site as indicated in Section 4.6. With the project, noise levels along the property boundary could range from 56 to about 62 dBA. Noise levels decline with distance as well as intervening topography. Specifically, noise levels reduce by approximately 6 to 7.5 dBA per doubling of distance for a hard (i.e., asphalt and concrete) and soft (i.e., soft soil, field grass, shrubs, etc.) site, respectively. For example, a noise level of 60 dBA at a referenced distance of 50 feet for a soft site would be reduced to 52.5 dBA at 100 feet and 45 dBA at 200 feet. Since, maximum  $L_{eq}$  noise levels were predicted at the property line, noise attenuation from the increased distance to the surrounding agricultural and residential uses would be substantially lower than the measured noise level at the property line. In the area of Borrow/Stockpile Area B, the closest residence to the south is approximately 300 feet from the property line, while most of the residences are further than 1,000 feet away. In addition, the Borrow/Stockpile area itself could create a noise buffer from noise resulting from activities on site.

Since maximum hourly  $L_{eq}$  noise levels were predicted along the property boundary, intervening topography beyond the property boundary was not included in the analysis. This is particularly important along the southern boundary in the eastern portion of the site where natural topography would break the line of sight from surrounding land uses to active areas of the proposed landfill. Noise levels particularly to the residences located south of the eastern portion of the site and those residences to the southeast of the site would be greatly reduced by the existing ridgeline as well as Gregory Mountain. In general, the maximum predicted hourly  $L_{eq}$  noise levels would likely be reduced by between a minimum of 10 to 15 dBA at the closest agricultural and residential uses. This would result in noise levels with the project similar to the existing ambient noise levels at the surrounding residential and agricultural uses to the south. In addition, project-related noise would not occur during evening and nighttime hours.

A detailed traffic analysis indicates that project traffic under operating conditions with maximum daily inflow would not result in any significant traffic impacts. Potential traffic impacts from sections of poor surface and limited sight distance on SR 76 will be mitigated by improvements, including reconstruction of pavement structure and construction of a suitable project access (Section 4.5, Traffic and Circulation).

A few homes located on the north side of SR 76 are presently experiencing traffic noise levels exceeding the County standard of 60 CNEL. These homes are already experiencing noise levels expected in an urban environment. This small group of homes would continue to experience

noise levels exceeding the County standard with or without the project. While the project would increase noise levels at these few homes, the incremental noise increase caused by project traffic (approximately 4dB) does not alter the urban noise levels already experienced by these homes. This incremental noise impact to a few homes does not alter the overall community character or lifestyle of the entire project area. This traffic noise impact along SR 76 would be limited to only a few homes in the project area and these homes are already experiencing urban noise levels even without the project.

The air quality analysis indicates the project would not create any significant air quality impacts with the exception of NO<sub>x</sub> and PM<sub>10</sub>. The County is in attainment for the National and State Ambient Air Quality Standard (NAAQS) for NO<sub>2</sub> (there is no separate State NO<sub>2</sub> or NO<sub>x</sub> standard) and the project would not result in NO<sub>x</sub> emissions that would cause any exceedances of the NO<sub>2</sub> national and state AAQS in the surrounding area. The national and state AAQS for NO<sub>2</sub> were established for the protection of human health and public welfare and are, therefore, the best indicators of potential NO<sub>x</sub> related impacts to rural uses in the area.

The project would emit a very small fraction of County-wide NO<sub>x</sub> emissions, 0.1 percent of the annual 2001 estimated average NO<sub>x</sub> emissions for San Diego County.<sup>7</sup> Because NO<sub>x</sub> is a precursor to the photochemical formation of ozone, the project would contribute incrementally to regional ozone. Ozone is considered a regional pollutant since it is photochemically formed in the atmosphere, is not strictly associated with any particular land use, and is strongly affected by meteorological conditions and pollutant transport across the air basin. Therefore, NO<sub>x</sub> generated in a specific location does not cause ozone that remains in the same place. In addition, regardless of the landfill location, the disposal of waste generated in San Diego County will result in regional NO<sub>x</sub> emissions since the transport of that waste as well as the equipment associated with the waste disposal will occur somewhere in the County. Therefore, whether waste is disposed of at Gregory Canyon or another County landfill, solid waste disposal will continue to contribute to regional ozone. Project NO<sub>x</sub> emissions would be reduced through the maintenance of truck and equipment engines in accordance with the manufacturers' specifications, the use of construction equipment that meets California Exhaust Emission Standards for Post-1996 Off-Road Compression-Ignition Engines, and the use of California diesel fuel in heavy-duty vehicles. These circumstances and the fact that project NO<sub>x</sub> emissions do not occur solely on the project site but on all the routes leading to and from it, indicate that project NO<sub>x</sub> emissions would not adversely affect either the existing land use setting/community character or the lifestyle in the project vicinity.

Ambient air quality data (see Section 4.7, Air Quality and Health Risk) from the closest monitoring station shows that the 24-hr PM<sub>10</sub> NAAQS has not been exceeded in the past five years. The NAAQS for PM<sub>10</sub> of 150  $\Phi\text{g}/\text{m}^3$  was established by the EPA for the protection of human health and public welfare and is, therefore, a good indicator of potential PM<sub>10</sub> related impacts. In addition to the NAAQS for PM<sub>10</sub> the State of California has established a more stringent 24-hr PM<sub>10</sub> standard of 50  $\Phi\text{g}/\text{m}^3$ .<sup>3</sup> The data from the monitoring station show that the State standard was occasionally exceeded over the past five years. The San Diego County Air

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<sup>7</sup> Emissions by Summary Category Report, San Diego County, CARB, 2001. The report estimates 83,300 tons per year of NO<sub>x</sub>. The project would generate between 64.1 and 99.8 tons per year of NO<sub>x</sub>.

Pollution Control District acknowledges that it will be extremely difficult for the County to comply with the State standard because of extensive natural PM sources in this arid region.<sup>8</sup>

The project includes dust control measures, which would serve to avoid fugitive dust and visibility impacts to residences and agricultural uses in the area. The San Diego County Department of Environmental Health acting as the LEA would routinely inspect the landfill and the effectiveness of the landfill operator's dust control measures. If changes are necessary, the landfill operator would be responsible for making the modifications to the dust control measures. In addition, as required by Proposition C, a Citizen Environmental Review Board would be established, which would provide the public an additional opportunity to evaluate the operation of the landfill to ensure that measures, such as dust control measures, effectively avoid fugitive dust and visibility impacts in the immediate area.

Potential PM<sub>10</sub> emissions impacts from the proposed project were evaluated based on the maximum inflow per day of 5,000 tons of waste in conjunction with periodic construction. Under these worst case circumstances, approximately 20 residences southeast of the project site boundary within one half mile of the proposed landfill footprint may occasionally experience additional exceedances of the State standard, but would remain well below the NAAQS. By comparison, average daily inflow would only be 3,200 tons of waste and periodic construction would occur once every four to five years. Therefore, the likely or actual number of exceedances of the State standard would in fact be lower than that shown in the worst-case analysis. These circumstances indicate that in an area characterized by extensive natural PM sources, occasional existing exceedances of the State PM<sub>10</sub> standard and no exceedances of the Federal PM<sub>10</sub> standard, this project's infrequent adverse effects on a few nearby residences would not alter the existing community character nor would the project impact the lifestyle of any rural uses in the project vicinity. These potential dust impacts would be reduced by the project design features and mitigation measures recommended for the project, including the watering of unpaved and unvegetated on-site areas before, during and after work; the sweeping of streets and work areas on the project site; the installation and operation of a landfill gas collection system; the minimization of landfill working face; and the application of daily cover (Section 4.7, Air Quality and Health Risks).<sup>9</sup>

The air pollutant emissions resulting from the long-term decomposition of waste in the landfill would be captured and burned by the landfill gas collection system without any adverse impacts to any rural uses in the area (Section 4.7, Air Quality and Health Risk). As discussed in Section 4.7 of this EIR, odor impacts from the project would be well below the concentrations necessary to detect these odors at any residential or agricultural use in the project area and no impacts to the community character or rural lifestyle would result.

The visual analysis contained in Section 4.13 of this document concludes that with the incorporation of project design features and mitigation measures, such as contouring of the borrow/stockpile areas and vegetative screening along SR 76, as well as the use of boulders on-site, the project would not result in significant visual impacts to residences but would result in visual impacts to travelers along SR 76. The highest visibility of the project site would generally be from the north. Although the landfill would be visible from the north hillside across SR 76,

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<sup>8</sup> <http://www.sdapcd.co.san-diego.ca.us/air/MAHMOOD.pdf>

<sup>9</sup> The use of ADC that is being considered would also reduce the movement of soil on the project site, thereby reducing potential PM<sub>10</sub> impacts.



the height of the landfill would be below that of Gregory Mountain. In addition, the landfill would be much smaller in size when compared with the overall size of Gregory Mountain. Therefore, Gregory Mountain would continue to dominate the view of the valley from the north. The closest views of the landfill from the north would be from along SR 76. While the landfill would clearly be visible from SR 76, particularly when traveling eastbound, the visibility would be limited to a brief duration due to the speed that would be traveled, the layout or curves of the road, as well as the varied topography of the area. In addition, the landfill at its closest point (SR 76 to the ancillary facilities area, which would be located below the existing knoll) would be approximately 1,650 feet from SR 76. As discussed previously, residences are located to the south and the west of the project site. Views of the landfill from the south and the west would be limited or blocked by the varied topography and vegetation present within the valley. Furthermore, it should be noted that the number of potential viewers of the landfill from private properties would be limited. Therefore, the visual impacts from the project would be limited to travelers along SR 76. As previously stated, views into the site from along SR 76 are limited and the proposed vegetative screening would further reduce the views from along SR 76. With the mitigation measures proposed, the project does not create any significant visual impacts to any homes or agricultural uses in the area. As such, changes in the visual environment would not alter the community character or rural lifestyle.

The intensive extractive, commercial, residential, and industrial uses existing and planned in the project area have resulted in changes to this area over time. The project is consistent with the character of other existing and planned residential, agricultural, extractive, commercial, industrial and infrastructure uses in the area. The project is not growth inducing and would not attract the location of incompatible uses to the surrounding properties. Regional Land Use Goal 1.1 addresses the separation of urban and rural uses so as to retain a rural setting/character and lifestyle within areas of the County. The project is an infrastructure use that can be located within either an urban or rural setting depending on the design and operational characteristics of such a project. Therefore, with the project design features and the mitigation measures proposed, the project would not alter the overall community character or impact the rural lifestyle of any rural uses in the project area.

**Regional Land Use Goal 2.1: Promote wise uses of the County's land resources, preserving options for future use.**

The project is consistent with this goal. The proposed landfill would be located on a 1,770-acre site, of which 1,313 acres would be dedicated for preservation as open space and biological habitat. About 309 acres would be used for landfilling and a variety of ancillary uses associated with waste disposal (structures, roads, parking areas, etc.). The project would leave about 75 percent of the site undeveloped and preserved as open space. The landfill is expected to have a life of about 30 years; after closure, the 309 acres of the site used for landfilling would be revegetated and available for other land uses, such as biological habitat, hiking or equestrian trails, or similar passive open space uses.

**Regional Land Use Goal 2.3: Retain the rural character of non-urban lands.**

The project would not conflict with this goal. The site is located in a mixed use area, with existing residential, industrial, infrastructure, extractive, commercial, residential, and agriculture uses, and is designated and zoned for solid waste facilities. As previously noted, a number of new commercial, extractive, residential, and industrial uses are planned in the area. The project

would not introduce an extractive use into the area for the first time since an extractive use already exists immediately to the north of the project site (sand and gravel mining), which already generates truck traffic, noticeable noise levels from heavy machinery, and dust and other air pollutant emissions. An additional extractive use exists further east on the Pala Reservation. Furthermore, an extractive use, Palomar Aggregates, is proposed to the west of the site. Although the project would result in environmental impacts as discussed in Sections 4.5, Traffic and Circulation; 4.6, Noise and Vibration; and 4.7, Air Quality and Health Risk, the mitigation measures would reduce these impacts to levels that would be consistent with the existing and planned land uses and the character of the vicinity.

**Regional Land Use Element Goal 3.2: Promote the conservation of water and energy resources.**

**Conservation Element Water Policy 4: Reduce local reliance on imported water.**

**Conservation Element Water Policy 6: Conserve groundwater resources in areas where imported water is not available.**

The project is consistent with these goals and policies. It incorporates water conservation measures into the design and operation of the landfill. Bottled water would be used for drinking water. Landscaping would require water, but water would be conserved through the use of non-irrigated, drought tolerant native species that would require water only during the planting and initial establishment period. Although the proposed project is willing to use reclaimed water for dust control and irrigation, reclaimed water is not currently available from local wastewater treatment providers.

The project would not increase the demand on imported water since groundwater will be utilized for both construction and operation of the project. Groundwater usage for the project is substantially less than the historical usage of groundwater on the project site. Compared to the estimated current water use on the project site, the project would use a comparable amount of water during the initial construction and would generally use less water during operations, depending on the phase. See Section 4.15, Public Services and Utilities, for a detailed discussion.

Although electricity would be required for operation of the visitor center, shop office, plant office, maintenance office building, truck scales and fee booths, the total amount of electricity needed would be limited. Conservation measures such as time-controlled security lighting, low-energy lighting, etc., would be implemented as part of the operations practices.

In addition to electricity, the project would use petroleum products to operate landfill equipment and waste haul vehicles. Conservation measures such as providing regular vehicle maintenance and keeping vehicles tuned would also be incorporated into the operations procedures.

**Regional Land Use Goal 3.3: Achieve and maintain mandated air and water quality standards.**

The project would meet state and federal air quality standards to the maximum feasible extent. Although the project would exceed significance thresholds for PM<sub>10</sub> and No<sub>x</sub>, the project is considered consistent with this policy because it would minimize air emissions to the maximum extent feasible through the following measures. All requirements imposed by the San Diego Air Pollution Control District (APCD) for the Authority to Construct and Authority to Operate permits would be met, and Odor Control and Dust Control Plans would be submitted to the

APCD for review and approval. To reduce dust (PM<sub>10</sub>) generation, haul roads would be paved to within 500 feet of the working face, and all areas where vehicles move would be watered in late morning and after work is complete for the day, or watered every two hours unless the road surface appears visibly damp, and inactive areas would be watered to reduce blowing dust. Additionally, ground cover would be revegetated as soon as possible, equipment engines would be kept tuned, and speeds would be kept to less than 10 miles per hour. Additional measures to reduce dust generation include: cover would be applied to the working face daily; the working face would be limited to the area actually in use; grading would be designed to eliminate water ponding; and cover would be routinely checked for cracks, which would be repaired as soon as possible. Finally, the project would install a gas collection system to collect and burn gases resulting from decomposing waste.

To reduce vehicle exhaust emissions (NO<sub>x</sub>), the landfill operator would maintain trucks and equipment engines by keeping them tuned in accordance with the manufacturers' specifications, would only use construction equipment that meets California Exhaust Emission Standards for Post-1996 Off-Road Compression-Ignition Engines, and would only use California diesel fuel in heavy-duty vehicles.

The proposed landfill would comply with water quality standards including the County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance (Stormwater Ordinance) as well as the County Stormwater Standards Manual (also referred to as Appendix A) to the Stormwater Ordinance. Compliance would be achieved through design measures such as surface drainage controls, desilting basin, interim covering of the refuse, suitable grading of slopes for efficient drainage, installation of a landfill liner, installation of a subdrain system and construction of a reverse osmosis groundwater treatment facility. Within the ancillary facilities area the project will implement dry management controls of sediment (i.e., sweeping) as well as the use of absorbents for oil and gas releases. The project will also include a storm drain inlet or outflow device from the ancillary facilities area (e.g., oil-water separators or other filtering devices required by the County stormwater discharge requirements) to protect surface water quality. The project also will implement a Hazardous Waste Exclusion Program. Temporary erosion controls would be used during construction (such as silt fences, erosion control blankets, straw wattles, biofilter bags, revegetation of disturbed slopes). All construction and operation equipment would be prohibited from fueling near any natural or man-made drainage course at the site. The project includes fuel spill prevention/containment in the ancillary facilities area. Groundwater wells would be monitored and, if water quality degradation is determined to occur, the proposed project would treat contaminated water in the reverse osmosis facility or by other appropriate technologies (Section 4.3, Hydrogeology). The operator would be responsible for the identification and correction of the deficiency which allowed the contamination. A detailed design and implementation program for the proposed groundwater monitoring system will be included in the JTD which must be approved by the San Diego RWQCB. In addition, the contractor and operator shall implement the measures identified by the State Water Resources Control Board in the NPDES permit, including the Stormwater Monitoring Program (SWMP) and Reporting Requirements and the Stormwater Pollution Prevention Program (SWPPP).

**Open Space General Conservation Goals 2 and 3: Conserve scarce natural resources and lands needed for vital natural processes and the managed production of resources. Conserve open spaces needed for recreation, education and scientific activities.**

**Open Space Easement Goal 3: Encourage the conservation of habitats of rare or unique plants and wildlife.****Conservation Element Vegetation and Wildlife Policy 1: The County will act to conserve and enhance vegetation, wildlife, and fisheries resources.**

The project complies with these goals and policies, as the proposed project would dedicate 1,313 acres of essentially unimproved land for open space, and enhance a portion of the on-site San Luis Rey River corridor. As described in Section 4.9, Biological Resources, several habitats and rare or unique plants and animals are contained within the open space preserve: coastal sage scrub, chaparral, coast live oak woodland, cottonwood-willow riparian forest, southern willow scrub, and mule fat scrub. Sensitive animal species which would be preserved include: orange-throated whiptail, western whiptail, San Diego horned lizard, California gnatcatcher, western spadefoot, least Bell's vireo, southwestern willow flycatcher, yellow breasted chat, red shouldered hawk, arroyo southwestern toad, Cooper's hawk, white faced ibis, downy woodpecker, Southern California rufous-crowned sparrow, and golden eagle nest habitat areas.

In addition, the project would mitigate for lost biological resources by creation of in-kind habitats, acquisition and preservation of off-site habitats, protection of large, mature oak trees during construction, installation of temporary fences during construction to protect natural vegetation, limiting construction at sensitive areas during breeding season, designation of a wildlife corridor west of the landfill footprint, and other measures described in Section 4.9, Biological Resources.

**Open Space Floodplain Goal 1: Protect life and property by regulating uses in areas subject to flooding.**

The project would be consistent with this goal. The project proposes improvements within the floodplain, including part of the project access road and bridge. The bridge has been designed to rise above the 100-year flood elevation to avoid impacts from future flooding. The project would be required to secure a bridge permit, a watercourse alteration permit and a grading permit from the County, which would review all design plans to ensure that life and property would be protected. See Section 4.4, Surface Hydrology, for a complete analysis of this issue.

**Open Space Floodplain Goal 3: Control development to assure a minimal adverse polluting effect on reservoirs, lakes, streams, rivers and groundwater supplies.**

The project would be consistent with this goal, and would not have a significant polluting effect on the San Luis Rey River or groundwater supplies. The proposed landfill includes drainage design features that would direct runoff away from the landfill working face, and would provide desiltation prior to discharge of runoff into the San Luis Rey River. Best Management Practices (such as silt fences, erosion control blankets, straw wattles, biofilter bags, revegetation of disturbed slopes, etc.) would be applied to minimize erosion and sedimentation that could result from stormwater runoff. The landfill would also be required to comply with the Waste Discharge Requirements (WDR) specified by the RWQCB and the stormwater runoff criteria specified in the NPDES General Permit to Discharge Stormwater Associated with Industrial Activity, which is issued by the State Water Resource Control Board (SWRCB).

The project is designed with a waste containment system to provide continuous protection of the groundwater from landfill related effects. The system consists of a network of subdrains which would be placed beneath the liner to transmit groundwater away from the landfill, a composite liner in accordance with federal regulations which incorporates a polyethylene geomembrane and

layer of impermeable soil, a leachate collection and removal system installed over the liner to collect any leachate from the landfilled waste and convey it to double walled storage tanks, and a protective cover over the entire liner and collection system. Leachate in the storage tank would be analyzed and transported to an off-site treatment plant for treatment and disposal or applied to the active landfill face. To monitor the effectiveness of the leachate collection system and liner, the landfill operator would periodically test the water in the groundwater wells. If contamination is detected in the wells, groundwater would be treated in the reverse osmosis facility. The landfill operator would be responsible for the identification and correction of the deficiency which allowed the contamination. A detailed design and implementation program for the proposed groundwater monitoring system is included in the JTD which must be approved by the RWQCB. The JTD is available for review at the County Department of Environmental Health and the Department of Planning and Land Use. The project applicant would provide financial assurance to the San Luis Rey Municipal Water District that contamination would be treated and disposed of adequately. These provisions would result in minimal adverse polluting effects on groundwater. In addition, the removal of the dairy within the project boundary would eliminate an existing source of surface and ground water contaminants.

**Circulation Element Statement of Intent: To preserve a corridor uninhabited by any permanent structure for future road right-of-way for each and every road shown on the Circulation Element [map].**

The project is consistent with this element, as evaluated in more detail in Section 4.5, Traffic and Circulation. The County and Caltrans have identified the ultimate configuration of SR 76 as a four-lane roadway. A mitigation measure is included to dedicate right-of-way through the project site for future improvements to SR 76.

**Seismic Safety Goals: Minimize injury and loss of life, minimize damage to public and private property, and minimize social and economic dislocations resulting from injuries, loss of life and property damage.**

**Conservation Element Soils Policy 5: The County will utilize existing and evolving geologic, geophysical and engineering knowledge to distinguish and delineate those areas which are particularly susceptible to damage from geologic phenomena.**

The project is consistent with these goals. The geologic investigations (Section 4.2, Geology and Soils) determined that several public safety hazards do occur on the site. Rockfalls (abrupt movement of independent rocks detached from steep slopes) have occurred from the western slope of Gregory Mountain. These could be a potential safety risk to workers and equipment and could also potentially damage the landfill liner, leachate collection system and landfill gas collection system. To avoid this risk prior to construction, a geologist would identify loose rocks that are likely to fall and remove them by blasting. Inspections of the hillside would occur at a reasonable frequency while that part of the site at risk from rockfalls is in use. Loose rocks would be removed as needed to protect workers, equipment, and facilities throughout the life of the landfill.

A debris flow (mass of unconsolidated sediment and debris which is mobilized by earthquake or sudden increase in water pressure such as may be caused by a heavy rain) could be located in the canyon on-site, although the deposit could also have been formed by erosion of an older colluvial fan. There are three locations with the potential to generate debris flows under the right conditions; these would be prevented by the installation of gabion dams in each of the three locations.



Landslides were not found on or adjacent to the landfill site. Although the project proposes to modify the natural slopes, any cut slopes would be stable due to the cohesion of the rock formation found at the site.

A detailed geologic inventory determined that there are no faults on the site. The closest mapped faults to the project site are an east-northeast-trending fault located north of SR 76, and a north-south trending shear zone north of San Luis Rey River east of the site. Several active faults exist within 60 miles of the project site: San Andreas (54 miles from the site), San Jacinto (30 miles), Elsinore (6 miles), and the off-shore portion of the Rose Canyon fault (25 miles). All these faults have an overall trend to the northwest. The project site may experience ground shaking if an earthquake were to occur on any of these faults. The project is designed to withstand the maximum probable earthquake to avoid potential impacts associated with earthquakes and groundshaking.

Seismic shaking can also induce soil liquefaction of cohesionless soils that are saturated with water. Grading operations would remove all loose soils from the footprint of the landfill, and therefore liquefaction would not be possible in this area. However, the ancillary facilities (offices, etc.) would be constructed over an alluvial wedge and could be affected by soil liquefaction. The geologic studies evaluated this potential and determined that the liquefaction susceptibility of the alluvial wedge is low and would not create a safety hazard.

An analysis of the stability of the landfill itself was conducted and found to be within current regulatory and standard-of-practice criteria under both static and dynamic conditions.

**Seismic Safety Policy: Facilitate post-disaster relief and recovery operations.**

The project would assist the County in meeting this policy. If the region were to experience a major emergency, the Gregory Canyon Landfill would be available during recovery, along with other existing facilities dealing with construction and demolition debris and transfer stations in north San Diego County to accept waste and debris from damaged property. The project could play a significant role in the County's plans to reestablish normal community activities following a serious disaster.

**Noise Element Policy 4b: Sets standards for noise levels in "noise sensitive areas" (that is, any residences, hospital, school, library, or similar facility where quiet is an important attribute of the environment).**

The project would be consistent with this policy. The noise effects of the project are evaluated at length in Section 4.6, Noise and Vibration, which determined that noise sensitive areas in the project vicinity include:

- About 20 residences to the south and ten residences to the west of the site within 3,000 feet of the landfill activities that could be affected by noise from stockpiling and landfilling activities,
- Biological resources in the San Luis Rey River channel area, both on and off the site (least Bell's vireo habitat), that would be subject to noise from the landfill working face, the stockpile areas, and project generated traffic, and
- A cluster of residences within 625 feet of the centerline of SR 76 between I-15 and Rice Canyon Road that would be affected by noise from traffic on SR 76.

Noise levels at the wildlife habitat area both on and off the site in the San Luis Rey River channel area would be greater than 60 decibels. This is a significant impact requiring mitigation,

according to the US Fish and Wildlife Service (USFWS), which has indicated that average noise levels should stay below 60 decibels to limit interference with the least Bell's vireo. Mitigation measures are included in Section 4.9, Biological Resources, that would reduce noise in this area to less than 60 dBA.

The project could create noise impacts to the adjacent residences during construction. Construction mitigation incorporated into the project requires monitoring and the implementation of measures such as temporary noise barriers or the reduction in the amount or size of construction equipment. The noise study (Section 4.6) concluded that with these mitigation measures, construction noise impacts to the residences would be reduced to a level of insignificance.

The noise study indicates that operational noise levels would not exceed the standards of the County Noise Ordinance because of the distance between the sensitive receptors and the landfill activities (600 to 4,100 from the borrow/stockpile areas and 1,000 to 3,930 feet from the landfill working face). Even though the noise effects on adjacent residents are not expected to be significant, the project would monitor noise levels at the property boundaries. If the monitoring indicates that noise levels exceed the noise limit at the boundary, the landfill operator would implement additional mitigation to reduce noise levels at the property boundary to acceptable levels. Mitigation would include, but not be limited to, a reduction in the number and size of equipment, and/or the installation of walls or berms. The noise study did not identify the need for these additional mitigation measures at this time.

Current roadway noise levels exceed 58 CNEL along SR 76 from about 165 to 445 feet from the centerline between I-15 and Rice Canyon Road. This is an existing condition not caused by the proposed project. Traffic generated by the project (primarily waste haul trucks) would increase roadway noise along SR 76 between I-15 and the project access road by 0.1 to 2.5 dBA. The noise element permits an increase up to 3 dBA. The project is, therefore, consistent with this policy.

The project also would contribute to cumulative traffic noise impacts along SR 76. This is a regional problem due to existing and projected development throughout the region. When improvements are made to SR 76, it is the responsibility of Caltrans to incorporate appropriate mitigation measures to reduce noise levels to acceptable levels during the design of the proposed improvements to the highway. Depending on the ultimate plans for SR 76, if a sound wall is installed, the applicant shall make a fair share contribution based on the project's contribution to the cumulative noise from traffic along SR 76.

**Conservation Element General Conservation Policy 4: Designates the Resource Conservation Area (RCA) overlay.**

**Pala-Pauma Subregional Plan Land Use Policy 4: Protect sensitive biological resources through the Resource Conservation Area (RCA) designation.**

**Conservation Element Vegetation and Wildlife Policy 9: When significant adverse habitat modification is unavoidable, San Diego County will encourage project designers to provide mitigating measures in their designs to protect existing habitat.**

The project is consistent with these policies. The southeastern portion of the project site includes approximately 25 percent of the Mount Gregory RCA, which extends off-site to the east. As defined by the Pala Pauma Community Plan, resources in this steep rocky area include large old

growth mixed chaparral, which serves as wildlife habitat, and oak woodlands in canyon bottoms, and north facing slopes.

The project site was the subject of a biological resources assessment (Section 4.9), which determined that the Mount Gregory RCA contains sensitive flora and fauna species, including the orange throated whiptail, western whiptail, western screech owl, great horned owl, Southern California rufous crowned sparrow, northern red-diamond rattlesnake, Harbison's dunskipper habitat, golden eagle habitat and bat roosts. The RCA also includes Coast live oak woodlands, chaparral, coastal sage scrub, and mulefat scrub vegetative communities. Englemann oaks are located on the western edge of the RCA, and may be included within the RCA boundary.

The biological report determined that a strip of land on the western side of the RCA (approximately 20 percent of the on-site RCA) would be used for landfilling and support facilities, resulting in the loss of the Englemann oaks, coast live oak woodlands, chaparral, and coastal sage scrub, which provides habitat to the orange throated whiptail, western whiptail and northern red diamond rattlesnake, the southern California rufous crowned sparrow, western screech owl, great horned owl and Harbison's dunskipper. Approximately 80 percent of the on-site portion of the RCA would be preserved as open space, containing the golden eagle habitat areas and bat roosts.

In addition to the direct impacts caused by loss of habitat and disturbance to vegetation, there would also be indirect impacts to biological resources in the RCA from dust, water quality, noise, human activity, and the introduction of nuisance bird species (gulls, starlings and ravens).

Section 4.9, Biological Resources, describes mitigation measures which would be incorporated into the project, including creation of in-kind habitats on the site for mule fat scrub, and coast live oak woodlands. The loss of Englemann oaks would be mitigated through off-site acquisition of land, with a conservation easement placed across the mitigation area to permanently protect the resource. In addition, 1,313 acres of open space on-site would be preserved which contain coastal sage scrub, golden eagle foraging area and other sensitive habitats and plant and animal species. Indirect impacts would also be mitigated: noise levels would be reduced to levels considered acceptable to the USFWS, human activity would be restricted to areas outside the open space preserve, dust would be minimized by use of crushed rock on unpaved haul roads and a careful watering program, water quality would be maintained by proper engineering design and monitoring, construction would be limited during breeding season of sensitive species, and nuisance birds would be kept away by the use of daily cover over landfilled wastes. These measures would reduce the impacts to a less than significant level and result in consistency with the above conservation policies.

**Conservation Element Vegetation and Wildlife Policy 16: The County will regulate major land clearing projects to minimize destruction of archaeological, historic and scientific resources.**

**Conservation Element Cultural Sites Policy 1: The County will conserve and protect significant cultural resources on private and public lands in San Diego County.**

The project is consistent with these policies. As described below and more completely in Section 4.11, Archaeological and Cultural Resources, all archaeological and historic sites within the project boundary would be protected or fully mitigated. Impacts to ethnohistoric resources on and off site (Gregory Mountain and Medicine Rock) would be minimized to the extent feasible by the measures discussed below.

The archeological technical report determined that 14 cultural resource sites exist on the property. According to the definition of significant archaeological and historic sites in CEQA, six were found to be significant. Six sites would be disturbed by the project. These six sites were the subject of further investigation, including test excavations. Mitigation for one site is completed. Four sites will require monitoring during brushing, clearing and construction, but otherwise have been fully mitigated. Mitigation for the sixth site (historic cemetery) requires exhumation and re-interment of all remains and would be completed prior to construction activity at that location. With the mitigation measures, all archeological and historic resources on the project site would be protected or mitigated.

In addition to archaeological and historic resources, the project is located adjacent to two important traditional ethnohistoric sites of the Luiseño territory, Gregory Mountain and Medicine Rock. The entire Gregory Mountain, including the portion within the proposed landfill boundary, is considered an important place for fasting, praying and conducting ceremonies. The western portion of Gregory Mountain, including the peak, is located within the site boundary and is privately owned. The eastern portion of Gregory Mountain is on the Pala Indian Reservation. Medicine Rock, which is located outside the northeastern limits of the project site, is situated near the northern base of Gregory Mountain. This rock art site was used in the past for traditional Luiseño ceremonies.

Section 4.12 of this EIR provides an analysis and discussion of the Luiseño history and its cultural experience based upon information provided by tribal members during preparation of the EIR. In addition, the section also evaluates project impacts to both Gregory Mountain and Medicine Rock using objective measurements evaluating air quality, visual, and noise impacts. Based on the objective analyses, the project would not have significant impacts to either Gregory Mountain or Medicine Rock. However, the EIR accepts the Luiseño position that the project would significantly impact Gregory Mountain and Medicine Rock because of the religious and sacred uses of these resources.

To minimize impacts to Gregory Mountain, to the maximum extent feasible, the project would dedicate the portion of the site east of the landfill footprint, which includes the slopes and the top of Gregory Mountain, as permanent open space. The applicant would continue to allow access from the reservation through the property to the mountain top, and would be willing to fund the construction and maintenance of a foot trail from the base on the east side to the top of Gregory Mountain, in a location to be selected by the Tribe. However, it is not known whether the Tribe will accept this mitigation (see Section 4.12.4). Proposed mitigation involves dedication of an access easement and payment of fees for improved access to Gregory Mountain.<sup>10</sup> Hours and days of operation of the landfill would be limited to between 7 A.M. and 6 P.M., Monday through Friday, and 8 A.M. to 5 P.M. on Saturday. In consultation with the Tribe, the landfill may also be closed on specific days reserved for Tribal ceremonies.

Impacts to Medicine Rock would be minimized by the planting of a landscape screen between the landfill and the rock. The operator would avoid dust impacts to Medicine Rock by watering unpaved areas to keep dust down. The project would pay for the recording of the rock art to document the cultural significance of the paintings.

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<sup>10</sup> If the Tribe accepts the offer, any necessary subsequent environmental reviews would be conducted by the appropriate Lead Agency.

The measures listed above would minimize impacts to the archaeological and cultural resources on and adjacent to the project site. The project would therefore be consistent with Conservation Element Policy 16 to minimize destruction of archeological impacts. As described in more detail in Section 4.12, the project would not significantly impact Gregory Mountain or Medicine Rock based upon objective standards, but would create significant impacts based upon the opinion of Luiseño. Nevertheless, the applicant has made a reasonable, good faith effort to minimize impacts and protect resources, and the project is considered to be consistent with Conservation Element Cultural Sites Policy 1.

#### Regional Plans

The project is consistent with the Regional Growth Management Plan and the Integrated Waste Management Plan because it would provide for the construction and operation of a landfill in the northern San Diego County area. Both plans recognize the regional need for a landfill in the northern part of the County. The site is identified as a tentatively reserved disposal site in the CIWMP.

The Regional Air Quality Plan is discussed in Section 4.7, Air Quality and Health Risk, and the Basin Plan, which addresses water quality, is discussed in Section 4.4 (Surface Hydrology). The RTP is addressed in Section 4.5, Traffic and Circulation.

#### Conformance with Habitat Conservation Plans or Natural Community Conservation Plans

This issue is evaluated fully in Section 4.9, Biological Resources. The following paragraph presents a brief summary of the more detailed discussion.

All coastal sage scrub areas in the County of San Diego are enrolled in the Natural Community Conservation Plan (NCCP) for the County. The project site includes coastal sage scrub habitat and would therefore be subject to the NCCP. Approximately 179 acres of coastal sage scrub and 44 acres of coastal sage scrub/chaparral would be lost with the proposed project. About 612 acres of coastal sage scrub and 30 acres of coastal sage scrub/chaparral would be preserved. The long-term conservation potential of the sage scrub habitat is intermediate: it is not the most dense in the subregion, and the project site does not support a core population of the coastal California gnatcatcher, which inhabit sage scrub primarily to the west of the site. The project does not preclude connectivity between gnatcatcher populations, and would not appreciably reduce the likelihood of the survival and recovery of listed species in the wild because only one gnatcatcher was observed on the site in multiple years of survey. In summary, the project is consistent with the 4(d) Rule and NCCP Process Guidelines.

#### Resource Protection Ordinance

- As indicated above, the project does not require approval under the Resource Protection Ordinance since the project does not include a Tentative Map, Tentative Parcel Map, Revised Tentative Map and Revised Tentative Parcel Map, Rezone, Major Use Permit, Major Use Permit Modification, or Site Plan.

### **4.1.3.4 Compatibility with Existing Land Uses**

#### On-Site Land Uses

The project would transform the existing agricultural and some of the open space uses on the site to a landfill and associated uses. The project would preserve 1,313 acres for long-term



preservation of sensitive habitat and species, including all of the property north of SR 76 and a substantial amount of land between the landfill footprint and SR 76 (Exhibit 3-9).

The Lucio Family Dairy was closed in 1986. The 14 residences on this property are currently being rented. These dwellings and other remaining dairy buildings would be demolished or removed prior to, or during initial construction of, the project. The removal of these residences is addressed in Section 4-14, Socioeconomics, which determined that the loss of the units is not a significant impact to local housing stock or to the residents. Since the dairy was rendered inoperable and closed by the owner before Gregory Canyon, Ltd obtained purchase options of the property, the project would not have an impact on the Lucio Dairy.

The Verboom Dairy is currently in operation, and eleven existing residences on the property are occupied. Sale of the parcels to the project and closure of the dairy was a voluntary business decision by Verboom rather than a result of the project. Pete Verboom has indicated that the business will be relocated to Orland, California, when operations on the project site close. All of the existing dwelling units and dairy buildings would be demolished or removed. The removal of the residences is addressed in Section 4-14, Socioeconomics, which determined that the loss of the units is not a significant impact to local housing stock or to the residents. The purchase option agreement on the Verboom parcels indicates that the former owner could reside there for a period of up to one year after the final purchase payment.

#### SDG&E Transmission Lines

The Escondido-Talega 230 kV and the Pala-Lilac 69 kV electrical transmission lines, operated by SDG&E, cross through the project area in a north-south direction, with three towers located within the eastern boundary of the landfill footprint. The present location of two of the towers would restrict site development and pose safety hazards to movement of heavy equipment in the area during site development.

The project includes the relocation of the affected towers to the east of the current location and establishment of a 300-foot wide easement for future towers and maintenance (Exhibit 3-10). The relocation of the towers would be in accordance with SDG&E approval and all applicable regulations, and no significant land use impacts would occur. Potential impacts from electromagnetic fields (EMF) are discussed in Section 4.16, Human Health and Safety. These impacts are not significant.

#### First San Diego Aqueduct

As designed, the proposed landfill footprint would be located immediately adjacent to the San Diego County Water Authority (SDCWA) easement, which contains Pipelines 1 and 2 of the First San Diego Aqueduct. In addition, Borrow/Stockpile Area B is located on either side of the existing SDCWA easement.

Provision of a continuous and safe water supply through the First San Diego Aqueduct will be of prime importance throughout the life of the proposed landfill activities. However, due to the aqueduct's proximity to the landfill, the possibility for adverse impacts to both the aqueduct and the landfill were investigated. Possible impacts and issues of concern include: (1) overloading or overstressing the aqueduct beneath the access roads; (2) exposure of the aqueduct along the riverbed due to cumulative effects of streambed alteration; (3) damage to the aqueduct from vibration as a result of blasting; (4) degradation of the aqueduct from contact with corrosive landfill leachate and landfill gas; (5) effects of slope instability on the aqueduct; and, (6) damage

to the landfill from a rupture in the aqueduct. These issues are discussed in Section 4.3, Hydrogeology, Section 4.4, Surface Hydrology, and Section 4.5, Traffic and Circulation. These analyses conclude that the landfill would not significantly affect the aqueduct, and no mitigation would be required. However, Section 3G of Proposition C requires the protection of the San Diego Aqueduct pipelines and a condition of the SWFP and a mitigation measure will require that prior to any construction work related to the landfill, the applicant shall provide DEH with a copy of the executed agreement with SDCWA providing for the relocation and protection of the San Diego Aqueduct pipelines. The applicant is presently negotiating such an agreement with SDCWA to relocate a portion of Pipelines 1 and 2. The relocation would avoid any impacts to Pipelines 1 and 2.

#### **4.1.3.5 Surrounding Land Uses**

The site is located in a non-urban, mixed use area, with existing residential, infrastructure, extractive, and agricultural uses. The project would allow the rural setting and lifestyle of the non-urban areas in the project vicinity to be retained. As is discussed in this EIR, the project would generate certain environmental effects which might, if unmitigated, affect the rural lifestyle of the area, including traffic, dust, noise, and visual quality. While some of the environmental impacts of the project on adjacent residential and agricultural uses have been found to be significant, the project would incorporate measures to mitigate those impacts to a less than significant level for residences close to the landfill. These measures include the following:

- Traffic impacts from level of service at the I-15/SR 76 exchange, sections of poor surface and limited sight distance on SR 76 would be mitigated by improvements, including installation of a traffic signal, fair share contribution to other roadway improvements, reconstruction of pavement structure, and construction of suitable project access (Section 4.5, Traffic and Circulation).
- Noise from construction of the landfill which could potentially result in exceeding the County noise standards would be mitigated by the implementation noise measures which will ensure that noise levels at the project boundary be less than or equal to County standards. The measures would include such measures as the construction of temporary noise barriers (if necessary), and the use of properly tuned and muffled equipment (Section 4.6, Noise and Vibration).
- The dust and odor impacts would be reduced by use of soil binding, watering dirt areas before, during and after work; sweeping streets and work areas; installation and operation of a landfill gas collection system; minimization of landfill working face; and application of daily cover soil (Section 4.7, Air Quality and Health Risk).
- The air pollutant emissions resulting from the long-term decomposition of waste in the landfill would be captured and burned by the landfill gas collection system (Section 4.7, Air Quality and Health Risk).
- Decomposing waste placed in the Gregory Canyon landfill would generate air emissions (carbon monoxide and nitrogen oxides) greater than California standards. However, these emissions would not interfere with the rural setting or lifestyle in the project vicinity. A health risk analysis of these emissions determined that they would not create significant risks to health, and the air quality analysis found that the emissions would be quickly dispersed by normal wind patterns, and would not significantly affect the rural lifestyle (Section 4.7, Air Quality and Health Risk).

- Extensive landscape screening and revegetation of disturbed areas, contouring of manufactured slopes, use of native plants, reuse of rock outcrops, and other construction techniques would reduce visual impacts. The working face of the landfill would not be visible to residences, although it would be visible from SR 76 in spite of extensive landscape screening (Section 4.13, Aesthetics).

The project could also affect the Pala Band of Mission Indian's religious ceremonies at Mount Gregory and Medicine Rock by the presence of human activity. However, the use of Gregory Mountain and Medicine Rock for religious ceremonies has not been documented by past cultural studies of the Luiseño. The proposed project includes the preservation of the higher elevation of Mount Gregory as open space, the construction and maintenance of a foot trail from the base to the top of Gregory Mountain, the dust and noise control measures mentioned above, and the formal recording of the rock art on Medicine Rock. These measures would reduce the significant impacts to religious ceremonies, but not to below a significant level. There would remain a subjective ethnographic impact relating to the location of landfilling in close proximity to sacred Native American locations. As discussed in Section 4.12, Ethnohistory and Native American Interests, the Luiseño have been reluctant to discuss the impacts and mitigation with the EIR consultant or the project.

#### **4.1.3.6 Planned Land Uses**

The Gregory Canyon Landfill project is not expected to adversely affect the future development plans of the Palomar Aggregate Rock Quarry, the Calmat-Pala Aggregate Mining, the Pala Band of Mission Indians Gaming Facility, the gas station west of I-15, Dulin Ranch, Lake Rancho Viejo, Brook Hills, Campus Park Specific Plan, or the Sycamore Ranch project. Construction and operation of the landfill are not considered incompatible with sand mining or the gaming facility, and would not result in substantial alteration of these planned land uses.

The project could affect future development plans for the proposed Pipeline No. 6 along the existing First San Diego Aqueduct. A one-mile wide corridor for the pipeline evaluated in the Final EIR for that project crosses through the Gregory Canyon property on either side of the First San Diego Aqueduct easement. The one-mile wide corridor was reviewed to define a narrower route through the project area that is acceptable to the SDCWA. A pending agreement with the SDCWA would provide a sufficient right-of-way to accommodate Pipeline No. 6 in an area that would not be affected by the project. No land use impacts would occur as a result of this reserved easement for Pipeline No. 6. (See Chapter 5.0, Cumulative Impacts, for a more detailed discussion.)

#### **4.1.3.7 Site Closure Impacts**

The landfill is expected to operate for approximately 30 years. Two years prior to the anticipated date of closure of the landfill, a Final Closure Plan will be prepared and submitted to the appropriate regulatory agencies. A separate discretionary action and CEQA review and certification will be required prior to approval of the Final Closure Plan.

After closure of the landfill operation, the anticipated land use of the site would be undeveloped open space. While there would be some on-site activity for ongoing monitoring, such as groundwater monitoring to ensure the continued protection of groundwater, the level of activity at the site would be substantially reduced. The use of the site as open space would be in compliance with the goals and policies of the County General Plan.

#### 4.1.3.8 First San Diego Aqueduct Relocation Option

The project includes the option to relocate a portion of the First San Diego Aqueduct to the west (Exhibit 3.11). The proposed relocation is within the project boundary, approximately 700 feet to the west of the existing easement. The existing 150-foot-wide easement would be abandoned and a new 150-foot-wide easement would be dedicated to SDCWA. No land use impacts to the project site or surrounding land uses would occur with the relocation of the pipelines.

#### 4.1.4 MITIGATION MEASURES

Measures to mitigate the specific air quality, noise, traffic, biological, ethnographic, and visual quality impacts are described in the appropriate sections of this EIR.

##### Proposition C

Sections 5A, 5B, and 5Q of Proposition C contain mitigation measures addressing days and hours of operation to mitigate potential land use impacts. Proposition C states as follows:

- MM4.1.C5A** *The solid waste facilities shall remain open for the receipt of refuse a minimum of eight (8) hours a day, six (6) days a week, excepting those holidays observed by county owned landfills.<sup>11</sup>*
- MM 4.1.C5B** *Solid waste operation shall occur only between the hours of 7:00 AM and 6:00 PM, Monday through Friday, and 8:00 AM and 5:00 PM on Saturday unless different hours are established by the Integrated Waste Management Board.<sup>12</sup> For the purposes of this mitigation measure “solid waste operations” shall include the receipt, handling, processing, and/or disposal of solid waste or recyclable materials; cover operations; site grading and/or excavation, including blasting and rock crushing; and heavy equipment operation. Other site activities such as the operation of gas and leachate collection and treatment systems, remedial activities required by a regulatory agency, maintenance within the maintenance yard, and activities conducted in a completely enclosed building shall not be limited to these hours of operation.*
- MM 4.1.C5Q** *A Citizen Environmental Review Board (the “Board”) shall be established by agreement between the Applicant and the cities or other governmental entities agreeing to supply waste to the Project. The members of such Board shall be appointed by each such city or entity and shall be individual citizens who are not employees or officials of such city or entity. The Board shall have the authority to inspect and review all reports submitted by the Project to any other regulatory agency and to make recommendations to any such regulatory agency with respect to the operation of the Project, including any enforcement actions the Board may deem appropriate. The Board shall establish an environmental*

<sup>11</sup> Effective October 31, 1998, there are no County-owned landfills. Since this measure was contained in Proposition C, it is provided here verbatim.

<sup>12</sup> Although stated this way in Proposition C, the Local Enforcement Agency, which is County DEH, will be the agency regulating and enforcing hours of operation.

*review team consisting of qualified personnel to monitor the operations of the landfill which team shall have reasonable access to the landfill during all hours of operation of the landfill.*

#### Impacts and Mitigation Measures

**Impact 4.1-1:** *The Citizen Environmental Review Board has not yet been established in accordance with Section 5Q of Proposition C.*

**MM 4.1-1:** The applicant or operator of the landfill shall establish a Citizen Environmental Review Board as required in Proposition C (Section 5Q). The applicant shall provide written verification to the County Department of Environmental Health after at least five public agencies have executed waste supply agreements with the operator.

**Impact 4.1-2:** *Section 3B of Proposition C requires that a dedication mechanism be established for 1,313 acres of open space. No dedication mechanism has been identified for the project at this time.*

**MM 4.1-2:** In compliance with Section 3B of Proposition C, prior to commencement of operation of the landfill, the applicant shall either dedicate 1,313 acres of the site as permanent open space or create a permanent open space easement consisting of not less than 1,313 acres for long-term preservation of sensitive habitat and species, including coastal sage scrub, coast live oak woodlands, and cottonwood-willow riparian forests. The applicant shall convey or dedicate this land or easement in perpetuity to the satisfaction of the County of San Diego. The applicant shall provide a copy of the recorded fee conveyance or open space easement to the County Department of Environmental Health prior to commencement of operation.

**Impact 4.1-3:** *Section 3G of Proposition C requires the protection of the San Diego Aqueduct pipelines and although no impacts to the pipelines have been identified, the following measure is included to ensure adequate protection of the pipelines.*

**MM 4.1-3:** Before commencing any construction work related to the landfill, the applicant shall provide the Local Enforcement Agency with a copy of the executed agreement between Gregory Canyon, Ltd. and the San Diego County Water Authority providing for relocation and protection of the San Diego Aqueduct pipelines.

#### **4.1.5 LEVEL OF SIGNIFICANCE AFTER MITIGATION**

Implementation of mitigation measures in Section 4.1.4 and in other sections throughout this EIR would reduce land use impacts to a less than significant level. However, a significant, unmitigable impact to Native American cultural and religious ceremonies would remain after mitigation. This is discussed further in Section 4.12, Ethnohistory and Native American Interests.